

MORE NEWS & ANALYSIS



CHARTING A NEW COURSE

The Case for Freedom, Flexibility &
Opportunity Through Charter Schools

JUNE 2017

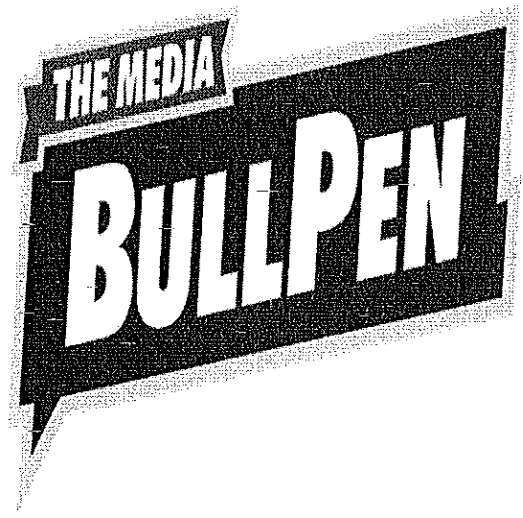
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**Charting A
New
Course:**
*The Case
for
Freedom,
Flexibility &
Opportunity
Through
Charter
Schools*

The charter school debate will look very different in the years to come. For the first quarter century, the question was simple: you're either for

charter schools or against them. But now that the sector has matured, taken root, and gained broader public acceptance, the debate is shifting from whether to expand charter schools to how. **Read on.**

For more, check out the [Media Bullpen](#).



= A

Founded in 1993, the Center for Education Reform aims to expand educational opportunities that lead to improved economic outcomes for all Americans — particularly our youth — ensuring that conditions are ripe for innovation, freedom and flexibility throughout U.S. education.

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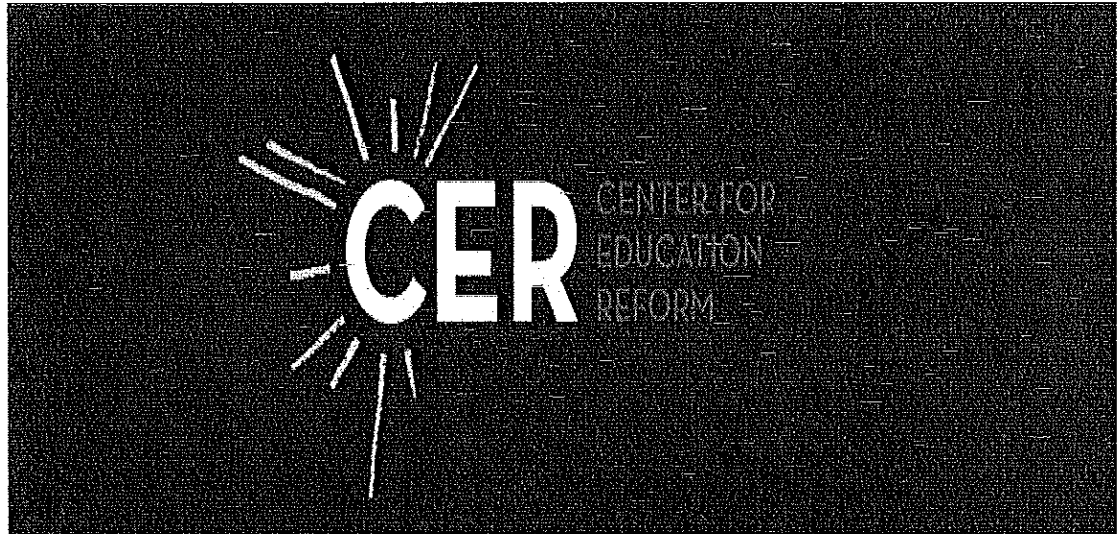
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newswire@

A weekly report on education news & commentary from the nation's leading voice on education innovation and opportunity

MAKING LINCOLN PROUD. Tomorrow, August 30, Governor Bruce Rauner (R-IL) could sign into law new path-breaking legislation creating the state's first tax credit scholarship program, part of the state's new education funding bill. The \$75 million tax credit scholarship program could serve as many as 20,000 students and will be the nation's largest first-year school choice program. Designed to help low and working-class families, the program is a result of a bipartisan compromise and demonstrates that even in the darkest of blue states, legislative leaders, with strong leadership from the Governor, can produce real results for kids.

CER's Jeanne Allen issued the following statement:

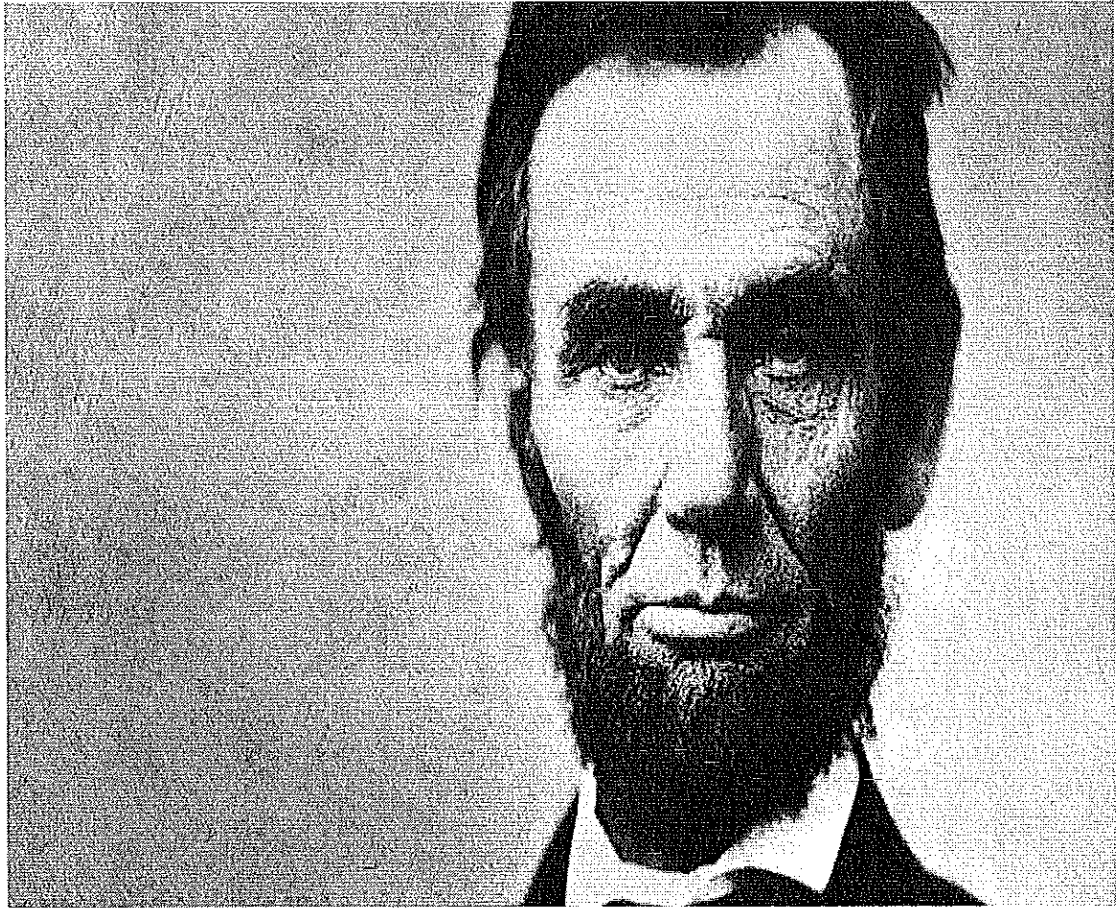
"Illinois joins dozens of other states that have put partisanship aside to address the needs of thousands of students. Gov. Rauner, Speaker Madigan, Majority Leader Cullerton, and Republican Leaders Durkin and Brady all deserve applause for their leadership and commitment to children."

IL Secretary of Education Beth Purvis applauded the General Assembly, saying,

"Today the Illinois General Assembly passed historic education funding reform that will ensure that Illinois public schools are adequately and equitably funded. In addition, this legislation -- which is a direct result of Governor Rauner's School Funding Reform Commission -- provides school choice in the form of equitable funding for charter schools and tax credit scholarships."

For more information about the program, contact our friends at [OneChanceIllinois](http://OneChanceIllinois.org)

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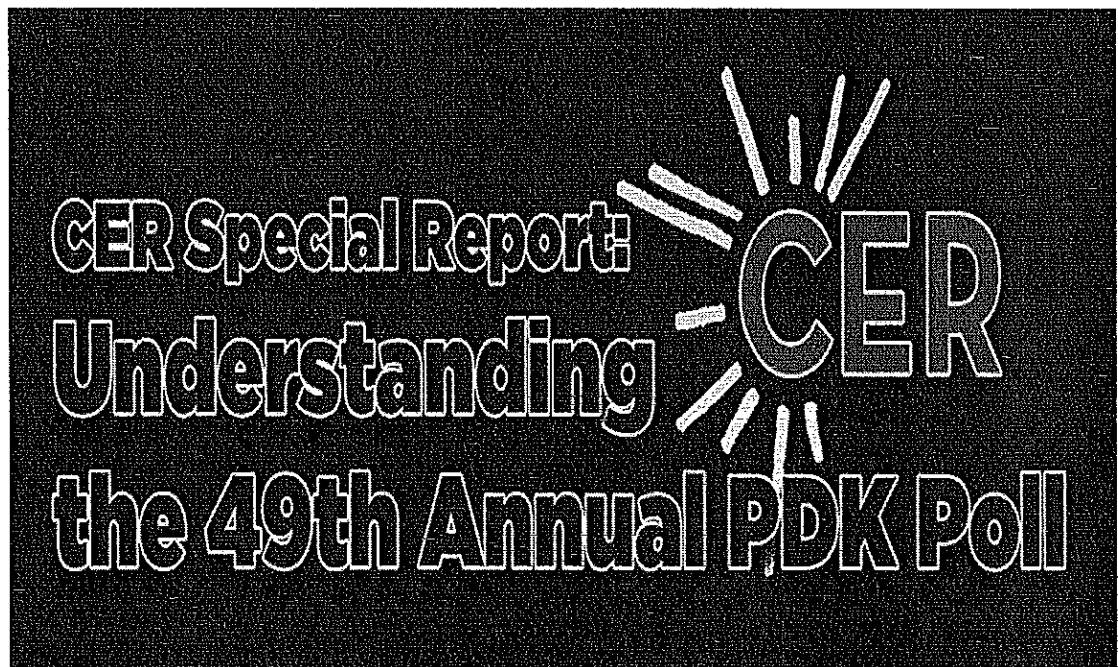
IN LINCOLN'S OWN WORDS.

"Upon the subject of education, not presuming to dictate any plan or system respecting it, I can only say that I view it as the most important subject which we as a people can be engaged in. That every man may receive at least, a moderate education, and thereby be enabled to read the histories of his own and other countries, by which he may duly appreciate the value of our free institutions, appears to be an object of vital importance, even on this account alone, to say nothing of the advantages and satisfaction to be derived from all being able to read the scriptures and other works, both of a religious and moral nature, for themselves. For my part, I desire to see the time when education, and by its means, morality, sobriety, enterprise and industry, shall become much more

general than at present, and should be gratified to have it in my power to contribute something to the advancement of any measure which might have a tendency to accelerate the happy period."

- March 9, 1832, First Political Announcement

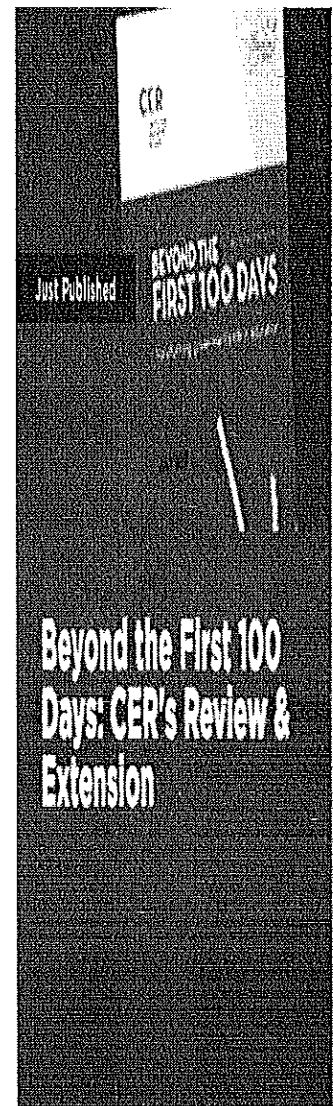
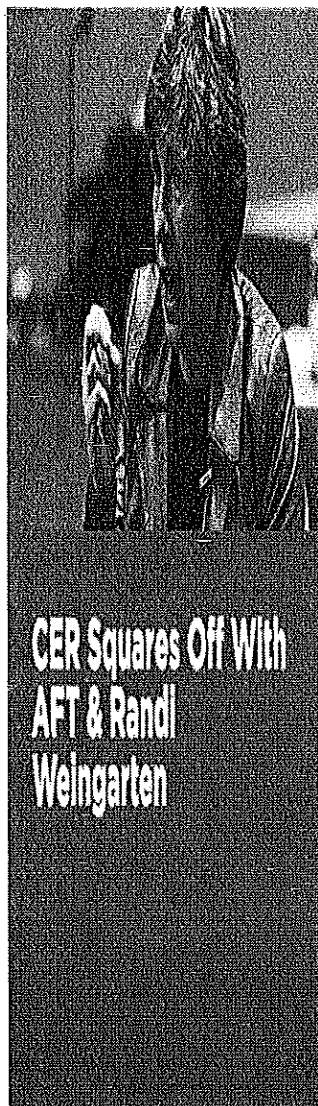
ANNUAL ATTITUDES. Sadly Lincoln's sentiment is not the theme of the 2017 PDK Poll of the Public's Attitudes Toward the Public Schools, the headline of which is, "**Academic achievement isn't the only mission**" of public schools. If you take the questions and answers literally, Americans do indeed appear united in numerous ways in their belief that schools must prepare students more fully and broadly for life. But while that's the theme, it's not at all clear from this poll that they reject the value of knowledge as important for that preparation.



Read CER's Special Report on the PDK poll to learn more about how to make sense of the latest in public opinion, and what you need to know to help all

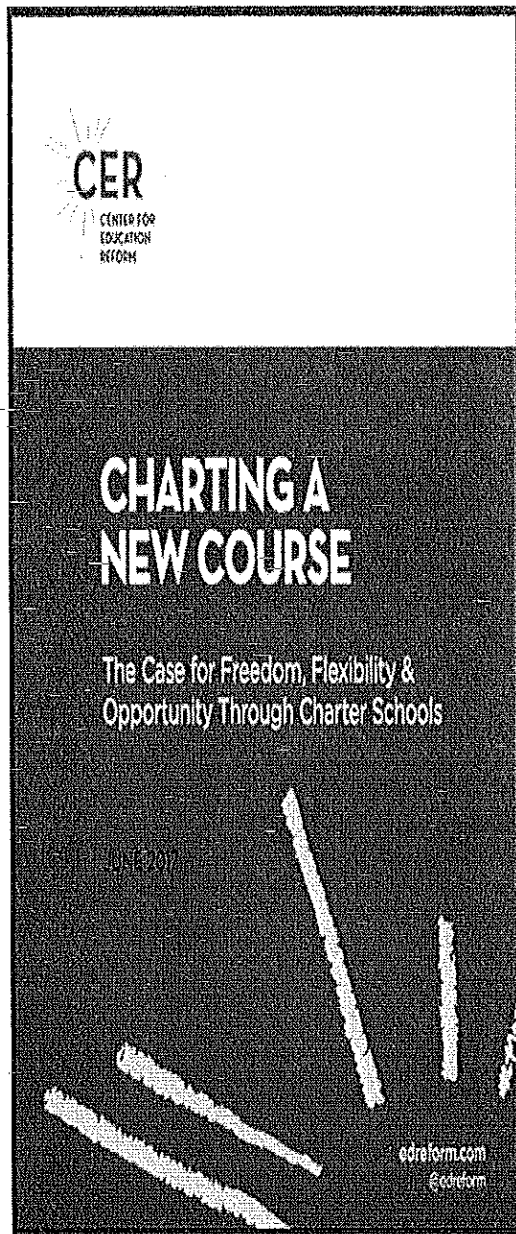
students learn, in the words of Honest Abe, to “duly appreciate the value of our free institutions.”

AND IN CASE YOU MISSED IT. Log onto EdReform.com for the latest on the AFT Chronicles or the ongoing effort by African-American leaders to show they have a different point of view on educational opportunity than many established organizations who claim to represent their views.



MORE NEWS & ANALYSIS

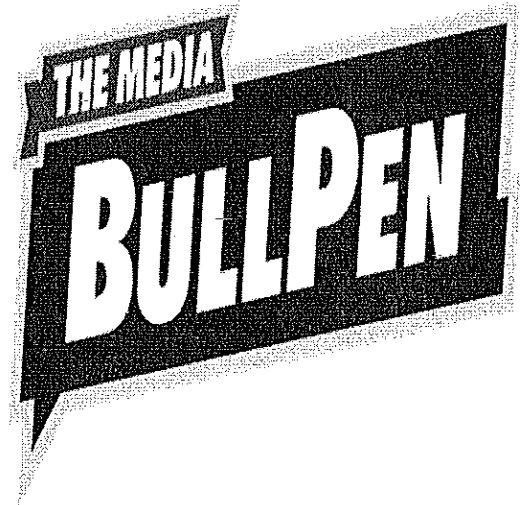
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Charting A New Course: *The Case for Freedom, Flexibility & Opportunity Through Charter Schools*

The charter school debate will look very different in the years to come. For the first quarter century, the question was simple: you're either for charter schools or against them. But now that the sector has matured, taken root, and gained broader public acceptance, the debate is shifting from whether to expand charter schools to how. **Read on.**

For more, check out the [Media Bullpen](#).



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"This is a corrected version of the Newswire, a previous version misstated the Governor's schedule."

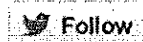
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From: Public Policy Law360
Sent: Wednesday, August 30, 2017 4:23 AM
To: Rep93
Subject: H-1B Petitioners Hit With Surprise Scrutiny Increase



Wednesday, August 30, 2017



TOP NEWS

Analysis

H-1B Petitioners Hit With Surprise Scrutiny Increase

With the Trump administration ramping up scrutiny of the H-1B visa program for skilled foreign workers, immigration attorneys say they're seeing an increase in government requests for evidence on H-1B petitions, with extra attention paid to those that offer entry-level wages. [Read more »](#)

Fed. Circ. Hammers Gov't Defense Of 'Scandalous' TM Ban

A Federal Circuit panel tore into the U.S. government's defense of a law banning the registration of "scandalous and immoral" trademarks on Tuesday, asking why that prohibition should stand after one for "disparaging" marks was just scrapped by the U.S. Supreme Court under the First Amendment. [Read more »](#)

Analysis

DOL's OT Rule Strategy May Leave Employers In Limbo

The U.S. Department of Labor's decision not to ask the Fifth Circuit to pause a challenge to an injunction freezing the Obama administration's controversial overtime rule while the agency crafts a replacement means the 2016



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regulations could get a green light before a replacement rule is ready, creating a potential compliance nightmare for employers. Read more »

9th Circ. Enjoins Seattle's Uber, Lyft Union Law

Two Ninth Circuit judges Tuesday temporarily granted the U.S. Chamber of Commerce an emergency injunction blocking a Seattle ordinance allowing for-hire drivers at companies such as Uber and Lyft to unionize, as the court considers a motion to stay the case, pending an appeal of a district court order dismissing the suit. Read more »

'Emerging Growth' Cos. Urged To Brace For More Scrutiny

Now that the Jumpstart Our Business Startups Act is more than 5 years old, a financial executives group is urging "emerging growth" companies to prepare for more rigorous scrutiny as certain benefits the law provides to encourage younger issuers to go public begin to expire. Read more »

OMB Pushes Pause On EEOC Pay Data Collection

The Office of Management and Budget on Tuesday paused the U.S. Equal Employment Opportunity Commission's collection of pay data from businesses' employer information reports, calling some aspects of the recently expanded collection "unnecessarily burdensome." Read more »

Biz Group Wants Phone Database To Cut TCPA Suits

The U.S. Chamber of Commerce, Comcast Corp. and others Monday applauded the Federal Communications Commission's efforts to create a database of phone numbers that have been reassigned to new consumers to help businesses avoid ringing people who don't want to be called, but expressed concern

Eversheds Sutherland
Faegre Baker
Fragomen Del Rey
Greenberg Traurig
Harrity & Harrity
Jenner & Block
Jones Day
Kaufman Dolowich
Kellogg Hansen
Lawyers' Committee for Civil Rights
Massey & Gail
Mayer Brown
Mintz Levin
Morgan Lewis
Munger Tolles
Nixon Peabody
O'Melveny & Myers
O'Neill & Borges
Proskauer Rose
Quinn Emanuel
Robinson & Cole
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Sedgwick LLP
Seyfarth Shaw
Stoll Glickman
Strasburger & Price
Troutman Sanders
Weil Gotshal
WilmerHale
Winston & Strawn

COMPANIES

American Civil Liberties Union
American Federation of State,
County and Municipal Employees
Apple Inc.
Assured Guaranty Ltd.
CTIA

about the potential for "abusive litigation."= 2
Read more »

ENERGY & ENVIRONMENTAL

Ill. Nuke Subsidy Plan Flouts Feds, 7th Circ. Told

An Illinois federal judge wrongly backed the state's plan to subsidize struggling nuclear power plants, which clearly usurps federal authority over wholesale electricity markets, a coalition of independent power producers told the Seventh Circuit on Monday. Read more »

TRANSPORTATION & INFRASTRUCTURE

NHTSA Has Hazy Role In Connected-Car Privacy, Report Says

Automakers and regulators have taken steps to address privacy concerns associated with connected vehicles, but the National Highway Traffic Safety Administration must better define its yet-unclear role in protecting the implicated data, according to a U.S. Government Accountability Office report released Monday. Read more »

EMPLOYMENT

Ill. State Worker Urges Justices To Take Up Union Fees Case

A nonunion Illinois state employee on Tuesday again urged the U.S. Supreme Court to consider the legality of mandatory public sector union fees, arguing his challenge is an apt vehicle for reviewing the 40-year-old precedent that allowed those so-called agency fees. Read more »

Ill. Staff Firings Not Tied To Harassment Probe, Judge Says

A Cook County judge on Monday ruled in favor of former Illinois Treasurer Dan Rutherford in a case brought by three former employees who alleged they'd been fired in retaliation for

CUNA Mutual Group
Calpine Corporation
Chicago Cubs
Comcast Corporation
Dynergy Inc.
Exelon Corporation
Facebook
Home Depot, Inc.
Huntington Ingalls Industries Inc.
International Brotherhood of Teamsters
Lawyers' Committee for Civil Rights Under Law
Lyft Inc.
NFL Enterprises LLC
NRG Energy Inc.
National Immigration Law Center
National Rifle Association of America
National Right to Work Legal Defense Foundation
National Rural Electric Cooperative Association
PJM Interconnection LLC
Snap Inc.
Talen Energy Corp.
Twitter Inc.
U.S. Chamber of Commerce
Uber Technologies Inc.
United States Telecom Association
United Steelworkers

GOVERNMENT AGENCIES

Bureau of Citizenship and Immigration Services
Centers for Medicare & Medicaid Services
Department of Commerce
Equal Employment Opportunity Commission

cooperating in an investigation of the politician's alleged sexual harassment of another staffer. [Read more »](#)

Beryllium Rule Commenters Blast DOL's Proposed Rollback

The U.S. Department of Labor received 70 comments on its proposal to pull back certain provisions of its beryllium exposure rule ahead of a Monday deadline, with most of the comments publicly available Tuesday criticizing the proposed change. [Read more »](#)

PRIVACY & CYBERSECURITY

EU Data Protection Law Not Revolutionary, UK Regulator Says

The highly anticipated general data protection regulation set to take effect in the European Union next year will almost certainly require companies to step up their privacy game, but it won't crush them, according to the U.K.'s data protection regulator, which called the new regime a logical "evolution in data protection, not a revolution." [Read more »](#)

Ballot Selfies Could Lead To Voter Pressure, Expert Says

Allowing voters to take selfies with their marked ballots could allow groups to put pressure on members to reveal their votes, a political science professor testified Tuesday in the New York federal bench trial of a suit by voters who claim the selfie ban violates their First Amendment rights. [Read more »](#)

CONSUMER PROTECTION

Home Depot To Pay \$5.7M For Selling Recalled Products

The U.S. Consumer Product Safety Commission announced Tuesday that it would likely accept a \$5.7 million deal with Home Depot USA Inc., settling charges the hardware

European Union
Executive Office of the President
Federal Communications Commission
Federal Energy Regulatory Commission
Federal Trade Commission
Food and Drug Administration
Government Accountability Office
National Highway Traffic Safety Administration
National Marine Fisheries Service
National Oceanic and Atmospheric Administration
National Security Council
New York Attorney General's Office
New York State Board of Elections
New York State Department of Financial Services
Occupational Safety and Health Administration
Securities and Exchange Commission
U.S. Consumer Product Safety Commission
U.S. Customs and Border Protection
U.S. Department of Defense
U.S. Department of Health and Human Services
U.S. Department of Justice
U.S. Department of Labor
U.S. Department of Transportation
U.S. Department of Veterans Affairs
U.S. House of Representatives
U.S. Immigration and Customs Enforcement
U.S. Patent and Trademark Office
U.S. Senate

store knowingly sold-recalled consumer products. [Read more »](#)

AEROSPACE & DEFENSE

DOD Says Discharge Reviews Can Consider More Conditions

The U.S. Department of Defense released guidance Monday intended to clarify that sexual assault, sexual harassment and mental conditions other than post-traumatic stress disorder can be considered when it reviews discharges and military records to see if they should be upgraded. [Read more »](#)

State Dept. Board To Review Afghan Truck Bombing Deaths

Secretary of State Rex Tillerson has convened an accountability review board to investigate the May deaths of 10 local guard contractors in Afghanistan in a truck bombing, the State Department has announced. [Read more »](#)

INTERNATIONAL TRADE

DC Court Rejects Challenge To Seafood Origin Rule

A D.C. federal judge has upheld a regulation requiring importers to trace the origin of seafood brought into the United States, granting a quick win to the federal government on Monday against seafood companies and trade groups who had argued that regulators failed to follow proper procedure in issuing the rule. [Read more »](#)

CBP Needs Better Data On Foreign Trade Zones, GAO Says

The U.S. Customs and Border Protection must do more to quantify the downstream economic impact of duty-free foreign trade zones, according to a U.S. Government Accountability Office report circulated Monday that found a substantial lack of information about the program's ripple effects. [Read more »](#)

U.S. Supreme Court
Vermont Department of Financial
Regulation-

BANKRUPTCY

Puerto Rico Board Says Fiscal Plan Gripes Aren't Actionable

The oversight board tasked with steering Puerto Rico through its bankruptcy-like process hit back on Monday against two bond insurers seeking to overturn the island's proposed fiscal plan, telling the federal court overseeing the restructuring that the insurers have no standing and their suit must be dismissed. [Read more »](#)

IMMIGRATION

Trump Admin., Rights Groups Settle NY Travel Ban Suit

President Donald Trump's administration and advocates for a proposed class of travelers from seven majority-Muslim countries suing over an executive order barring them from entering the U.S. have agreed to settle the case. [Read more »](#)

USCIS To Interview More Green Card Seekers

U.S. Citizenship and Immigration Services will soon begin conducting in-person interviews with certain immigrants in the U.S. seeking permanent residency, as part of the Trump administration's "comprehensive strategy" to strengthen the immigration system and prevent fraud, an agency statement said Monday. [Read more »](#)

Bipartisan Mayor Group Asks Trump To Keep DACA Program

A bipartisan coalition of mayors from cities across the country joined forces Tuesday to voice their opposition against a possible repeal of the Deferred Action for Childhood Arrivals immigration program by President Donald Trump, which could come as soon as this week according to the city officials. [Read more »](#)

TELECOMMUNICATIONS

Users Say Internet Is An Information Service: NCTA Survey

USTelecom and NCTA-The Internet and Cable Television Association shared a survey with the Federal Communications Commission on Monday claiming to demonstrate that users view broadband internet access services as a form of information service, meaning that it should be classified as such. [Read more »](#)

EXPERT ANALYSIS

An Emerging Patchwork Of Cybersecurity Rules

With the recent adoption of cybersecurity regulations governing broker-dealers and investment advisers registered in Colorado and Vermont, the landscape of cybersecurity regulation continues to evolve. For businesses not yet covered by cyber regulations, these latest moves indicate that the day of reckoning may be coming, say attorneys with Eversheds Sutherland. [Read more »](#)

Telehealth: A Priority For Advancing Quality Health Care

Following its August recess, Congress will have less than four weeks to work through must-pass legislation that would fund the Children's Health Insurance Program. Amid this hard-stop deadline for program funding, there is a possibility that this legislation could lend itself as a vehicle to attach other party priorities, such as expansion of telehealth services for Medicaid beneficiaries, say attorneys with Faegre Baker Daniels. [Read more »](#)

LEGAL INDUSTRY

Sedgwick Loses 12 More Attys, This Time To Robinson & Cole

Twelve more attorneys have left Sedgwick LLP for the New York and Miami offices of

Robinson & Cole LLP, marking the latest in a string of departures from Sedgwick, which has lost at least 33 partners since the start of the year. [Read more »](#)

3 Law Firms With Their Own Riff On The Mansfield Rule

Nearly 50 law firms have adopted the Mansfield Rule in an effort to improve diversity, but a few firms have decided to go rogue and implement their own versions of the rule. Here are three alternative riffs on the diversity initiative, and how they're playing out. [Read more »](#)

Quinn Emanuel Adds Bonus Plan To Retain Associates

Quinn Emanuel Urquhart & Sullivan LLP announced a plan Monday to award additional bonuses to associates who stay with the firm for at least three years in an effort to recruit and retain young legal talent. [Read more »](#)

Proskauer Says Female Atty In \$50M Bias Row Isn't Employee

Proskauer Rose LLP tore into a female partner and practice group head's \$50 million gender bias suit against the firm in Washington, D.C., federal court Monday, arguing she can't sue the firm under laws that protect employees and not equity-holding members of a partnership. [Read more 1/2 B](#)

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From: Center Forward
Sent: Wednesday, August 30, 2017 6:16 PM
To: Rep93
Subject: RE: It takes more than a solar eclipse



Ryan,

Did you see our last email? In a few days Congress will return from a month-long recess. We're reaching out because real bipartisan action is now more necessary than ever!

Upon their return Congress will face a range of immediately pressing issues, from tax reform and the debt ceiling to foreign sanctions and immigration. **We'll be fighting to make sure our leaders put country over party and do their job. Will you join us?**

SIGN ON NOW

This is not the time to play partisan games. It's time to get back to work for ALL Americans. **Sign on if you agree.**

Thanks,
Center Forward

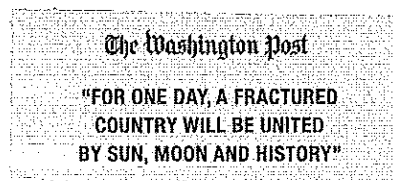
----- Previous message -----

From: **Center Forward** <cf@center-forward.org>

Date: Wed, Aug 23, 2017 at 11:10 AM

Subject: It takes more than a solar eclipse

To: rep93@ohiohouse.gov



Ryan,

On Monday, from coast to coast, Americans got to experience a rare and beautiful natural phenomenon: a total solar eclipse. While we certainly enjoyed the spectacle, and we hope you did too, we saw too many headlines like the one above.

Our nation is struggling with an often-vicious political climate, but it won't be fixed by a once-in-a-generation eclipse! It can only be fixed by hard work.

In two weeks Congress will be back in session, and we'll be fighting to make sure they put aside partisan games and do their job. *Will you join us?*

SIGN ON NOW

When they return, Congress will need to address pressing issues like tax reform, the debt ceiling, healthcare, foreign sanctions, and immigration.

The American people don't have time for partisan gridlock. That's why we're demanding our leaders get right to work on real bipartisan solutions. Sign on if you agree.

Thanks,
Center Forward

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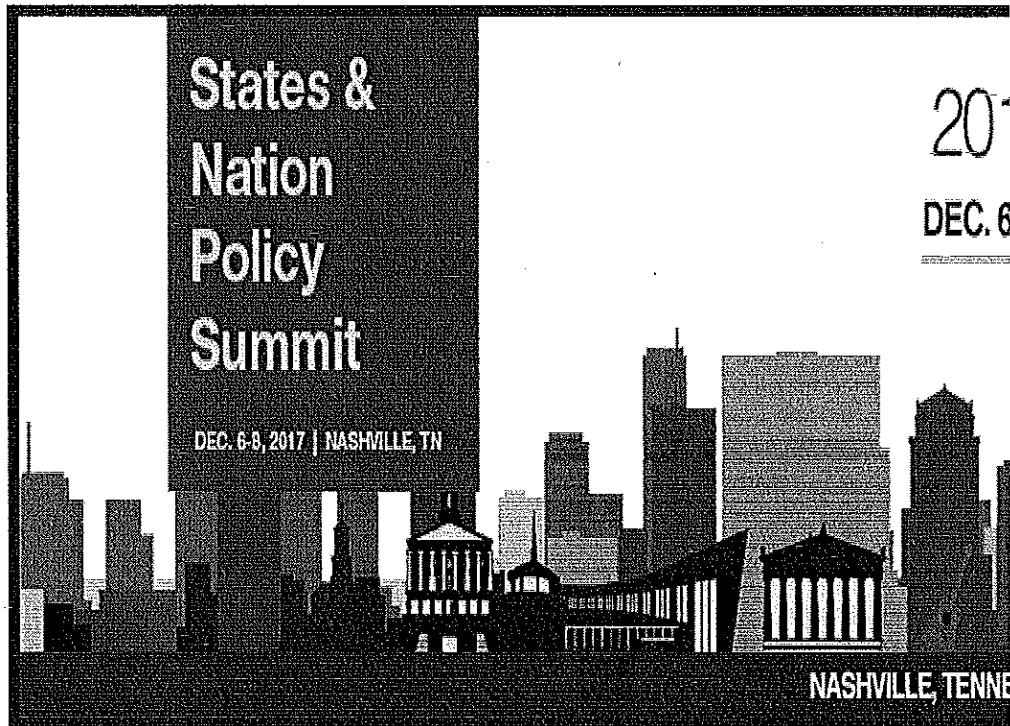
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United States

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From: Courtney Cook
Sent: Friday, September 1, 2017 11:47 AM
To: Rep93
Subject: Registration OPEN!

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Registration OPEN!

States & Nation Policy Summit December 6 - 8, 2017

Join ALEC in Music City, Nashville, TN, for our 2017 States & Nation Policy Summit. This in-depth educational conference will address issues that will be at the top of legislative agendas in 2018. The summit will host nationally known speakers and colleagues from across the country. The [agenda](#) is starting to fill up, so check it out!

We are looking forward to seeing you in Nashville, TN!

>> REGISTER NOW

Book your room now at the Omni
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Courtney Cook
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Arlington, VA 22202

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From: afrankart@charlespenzone.com
Sent: Friday, February 16, 2018 8:11 AM
To: Rep93
Subject: Support SB 129 & HB 189

First Name : Alecia

Last Name : Frankart

Address : 1480 Manning Pkwy

City : Powell

State : OH

Zip : 43065

Phone : 614.898.1167

Email : afrankart@charlespenzone.com

Subject :
Support SB 129 & HB 189

Message :

As a resident of Ohio and your constituent, I urge to support for SB 129 and HB 189. This legislation will bring common-sense cosmetology licensing reform to our state, and the time for reform is now. Both in Ohio and nationally, the current licensure model doesn't allow people the flexibility to practice their trade from state to state or keep up with the new economy, creating unnecessary barriers to entry into the profession.

Unfortunately, over 20 Ohio schools of cosmetology have closed within the past year. We need more licensees to fill open positions all across Ohio and the reforms contained in SB 129 and HB 189 will make governmental barriers to entering the cosmetology profession a much-needed floor, rather than a ceiling. Additionally, research shows school financial viability is not related to length of programs. School systems that operate in multiple states confirm that they are expanding more rapidly in low-hour states, therefore those closed schools may be able to reopen or new schools may be able to open in our state as a result of the legislation.

Ohio is already providing license endorsement for military members and producing public school students at 1,000 hours so we know it can be done. These bills seek to make it fair across the board as everyone should have access to 1,000 hours of education to obtain a license and the ability for license endorsement when moving to another state, especially Ohio.

Here are the facts:

- 1) Licensed Paramedics only need 900 hours of education to save your life; it still takes 1,500 to become a cosmetologist in Ohio.
- 2) Studies show that 1,000 hours is the appropriate number of hours for cosmetology licensure;

3) This legislation levels the education playing field. Public high schools around the nation and in Ohio are already producing more graduates at around 1,000 hours of cosmetology education who pass the state licensure exam at the same rate as private school students who are saddled with more h

From: The Aerospace States Association Briefing
Sent: Tuesday, February 20, 2018 8:00 AM
To: Rep93
Subject: Feb. 20: NASA Officials To Highlight Alabama's Role In Space Program During ASA's Alabama Aerospace Week

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The Aerospace States Association BRIEFING

in affiliation with



Good morning Ryan Smith

February 20, 2018

ASA IN THE NEWS

NASA Officials To Highlight Alabama's Role In Space Program During ASA's Alabama Aerospace Week.

The Florence (AL) Times Daily (2/16, Corey) reported that NASA officials from Huntsville's NASA officials from Huntsville's Marshall Space Flight Center will "travel to Montgomery on Thursday to spread the word about the importance of the state's role in leading America back to the moon and on to Mars during the Aerospace States Association's Alabama Aerospace Week." Marshall leaders will meet with "elected officials and NASA will be honored by the Legislature with a resolution and proclamation from Gov. Kay Ivey recognizing the agency's achievements."

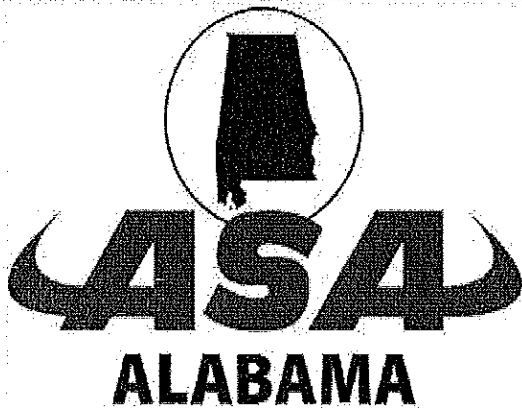
PRNewswire (2/16) reported the event will take place Thursday, February 22. Marshall Center Director Todd May and "NASA astronaut Tracy Dyson speak at 1 p.m. CST, at Alabama State University's Ralph D. Abernathy College of Education's auditorium, which will be hosted by ASU's President, Dr. Quinton T. Ross, Jr."

POLICY NEWS - STATE

Port Authority Authorizes Name Change, Expansion For New York's Stewart International Airport.

USA Today (2/19, Wilson) reports that Stewart International Airport in New York may soon undergo a name change and \$30 million expansion. The Port Authority of New York and New Jersey authorized the changes on Thursday. The proposed project will "expand the terminal by 19,850 square feet, adding a customs inspection area to accommodate domestic and international passengers simultaneously at the Hudson Valley airport." "Currently, the airport lacks a "dedicated area to process international travelers." The airport would be renamed New York International at Stewart Field, with completion of the project anticipated for 2020. Global Gateway Alliance Chairman Joseph Sitt praised the proposal for its potential to alleviate congestion at New York's airports, which he said will not "change without new capacity," which he said will come through "proposals like the Stewart International Airport expansion along with better transportation, a real and sustained commitment to marketing, and, most of all, more flights and services to attract passengers."

FROM ASA



Alabama Aerospace Week 2018

Tuesday, February 20, 2018

6:00pm - 7:30pm Joint Reception with the Huntsville/Madison County Chamber of Commerce- Renaissance Hotel, Montgomery Performing Arts Center Atrium

Wednesday, February 21, 2018

6:00pm - 8:00pm NASA/Legislative Reception- Irish Bred Pub

Thursday (NASA DAY), February 22, 2018

8:30am - 2:00pm Exhibits on Washington Street

Connect with ASA:



POLICY NEWS - FEDERAL

Justice Department Charges Three Men With Providing UAV Parts To Hezbollah.

Reuters (2/16) reported that the Justice Department announced Friday that authorities "have charged three men with illegally exporting drone parts and other material from the United States to Lebanon's militant Hezbollah group." Two of the suspects, Usama Darwich Hamade and Issam Darwich Hamade, "were in custody in South Africa," while the third, Samir Ahmed Berro, "remained at large."

ALPA, NATCA, A4A Urge Congress To Tighten UAV Regulations.

Air Transport World (2/17, Carey) reported that the Air Line Pilots Association, the National Air Traffic Controllers Association, and the trade group Airlines for America have all "asked Congress to amend Section 336 of the FAA Modernization and Reform Act of 2012." In a letter from February 13 signed by leaders from all three groups, the stakeholders say Section 336, which blocks FAA from passing regulations on model aircraft flown recreationally, "has limited the FAA's ability to fully regulate model and hobby UAS to the point that safety of the national airspace is at risk." The letter cited a video "that shows a Frontier Airlines Airbus A320 passing underneath an apparent drone while on approach to Las Vegas McCarran International Airport" in clear violation of FAA guidelines for UAV operators.

AVIATION

Helicopter Crash May Be First Aircraft Collision Linked To UAV.

Bloomberg News (2/16, Levin) reported that the crash landing of a helicopter in South Carolina last week "may have been triggered by a civilian drone, which would make it the first drone-related crash of an aircraft in the US." The incident occurred last Wednesday and involved a student pilot and instructor, "both of whom told investigators that a small drone appeared directly in front of them, according to a Charleston Police Department report." The instructor took over the controls and attempted to avoid a collision, during which the tail of the helicopter "hit a tree or brush, triggering a crash landing." The FAA has not confirmed the "possible role of the drone," but the National Transportation Safety Board (NTSB) is "aware of initial reports that a drone may have been involved in the crash and is gathering information on the case, spokesman Chris O'Neil said in an email Thursday." = A

Israel Successfully Tests Arrow-3 Missile Defense System.

The AP (2/19) reports that Israel has announced it has successfully tested an advanced missile defense system with the capability of defending the country against ballistic missile threats. The Israeli Defense Ministry called Monday's test of the Arrow-3 interceptor a "major milestone" in Israel's development of missile defense systems to guard "against current and future threats in the region." Two previous tests of the system were recently delayed. Arrow-3, developed by The Boeing Company and Israel Aerospace Industries (IAI), is part of a "multi-layered system" Israel is developing to "defend against both short- and mid-range rockets fired from the Gaza Strip and Lebanon, as well as Iran's long-range missiles." Other components in the system include the Iron Dome, David's Sling, and Arrow-2 systems.

FAA Awards Boeing 787-10 Production Certificate.

FlightGlobal (2/16) reported that the FAA had awarded The Boeing Company a "production certificate for the 787-10 on 15 February, the manufacturer says." The approval means that Boeing is officially authorized to produce the new 330-seat airliner. Boeing plans to deliver the initial 787-10 to Singapore Airlines this March.

Gulfstream To Build Service Center At Appleton Airport.

The AP (2/16) reported that Gulfstream Aerospace will expand its operations at Appleton International Airport, building a new \$40 million service center that is expected to add 200 jobs. WLUK-TV reported that "groundbreaking is scheduled for later this year, with the building opening in mid-2019."

Reuters (2/16) reported that the new facility is expected to begin operations in the second quarter of 2019.

FAA Approves Boeing 737 MAX-9 For Commercial Service.

Reuters (2/16, Banerjee) reported that The Boeing Company said on Friday the US Federal Aviation Administration had officially certified its 737 MAX-9 aircraft for commercial service." The approval "affirms the airplane's handling, systems and overall performance all comply with required aviation regulations, Boeing said." Boeing is preparing the aircraft for its initial delivery to Lion Air Group.

GA-ASI Submits Stingray UAV For US Navy MQ-25 Contest.

The Aviation International News (2/16, Pocock) reported that General Atomics Aeronautical Systems Inc. (GA-ASI) revealed in a "surprise announcement" that it had submitted a "new design named Stingray for the US Navy's MQ-25 unmanned tanker requirement." The company had previously indicated it would submit the Sea Avenger variant of its Predator C UAV for the bid. GA-ASI also released an "extensive list of partners in its bid, including Boeing, even though that company has made its own alternative bid for this requirement." Boeing's Autonomous Systems Division, which includes Insitu, is "playing an unspecified role in the GA-ASI bid." In a statement, the company claimed that its offering "exceeds all of the Navy's requirements, including carrier suitability...at the lowest technical and schedule risk."

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Airbus To Reduce A380 Production To "Digestible" Six Aircraft Per Year.

FlightGlobal (2/16, Gubisch) reported that Airbus plans to reduce production of its A380 jumbo jet to six aircraft a year by 2020 in a "bid to sustain its flagship programme while keeping losses from the aircraft's production" at a "digestible" level. Airbus plans to deliver 12 A380s this year, and will reduce production to eight aircraft in 2019. Airbus CEO Tom Enders said that the rate of six aircraft represents the "minimum volume at which production could be maintained with a "reasonable level of efficiency." Enders added, "It doesn't mean we are still making money on that, but the losses that such a low rate would produce are certainly digestible." However, Enders said that this level of production represents "rock bottom," and is "clearly not where we want to leave it," and said that he anticipates additional A380 orders from existing or new operators.

Airbus: Initial Details Of Franco-German Fighter To Emerge Later In 2018.

Reuters (2/16, Siebold) reported that the initial details of a "planned Franco-German program to develop a next-generation fighter jet should emerge in the second half of 2018, the head of Airbus's defense unit told Reuters on Friday." Dirk Hoke "said France and Germany would work out in coming months how to proceed with the program, including whether to bring in an additional partner country, such as Britain."

Air France Reports Strong Earnings In Fourth Quarter.

The Financial Times (2/16, White, Subscription Publication) reported that Air France-KLM reported strong passenger numbers and load factor in its fourth quarter earnings, but reported losses for the year due to a pension deal.

SPACE

Pence To Tour Kennedy Space Center, Lead National Space Council Meeting In Florida Visit.

The Tampa Bay (FL) Times (2/19, Leary) reports that Vice President Pence will visit Florida on Tuesday and Wednesday to tour the Cape Canaveral Air Force Station launch facilities, participate in a commercial spaceflight federal reception, and head the second meeting of the National Space Council at NASA's Kennedy Space Center (KSC). The Wednesday meeting is titled "Moon, Mars, and Worlds Beyond: Winning the Next Frontier" – "will include testimonials from leaders in the civil, commercial, and national security sectors about the importance of the United States' space enterprise," according to a White House release. Pence then will tour KSC before departing.

The Washington Examiner (2/19, Giaritelli) reports that the names of the companies participating in the meeting have not been released and the vice president's office did not respond to a request for comment."

Industry Battles Over Hosting Reception For National Space Council. The Washington Post (2/16, Davenport) reported that after it became known that the Commercial Spaceflight Federation – of which SpaceX is a member – would host a reception for the second meeting of the National Space Council, Lockheed Martin and The Boeing Company "complained to the White House, which agreed that they, too, should host the reception." One industry official said that "we wanted to make sure the entirety of the industry was represented to the council and not just a subset." The event was intended to take place at the Kennedy Space Center (KSC) Visitor Complex, but as the event "grew in size," it is now being hosted by the Aerospace Industries Association, the American Institute of Aeronautics and Astronautics and the Coalition for Deep Space Exploration, as well as the Commercial Spaceflight Federation."

NASA Certifies SpaceX's Falcon 9 Rockets For Science Missions.

SPACE (2/19, Foust) reports that NASA has certified the "current version of the SpaceX Falcon 9" to launch selected categories of science missions. NASA "disclosed the certification in its full fiscal year 2019 budget proposal, released Feb. 14, in a section about NASA's Launch Services Program (LSP)." The budget stated that SpaceX had successfully completed "Category 2" certification for the Falcon 9 "Full Thrust," which "supports the launch of the NASA Transiting Exoplanet Survey Satellite (TESS) mission in March 2018." NASA spokesperson Cheryl Warned confirmed Category 2 certification had been received for the rocket. Category 2 certification covers "medium risk" missions, and requires between one to three successful missions to qualify for the missions, "depending on the vehicle's heritage and level of NASA insight." The LSP is also conducting "preliminary activities" for certifying the Orbital ATK Antares launch vehicle, according to the documents. The program has also "started certification discussions regarding vehicles still in development, including Blue Origin's New Glenn, Orbital ATK's Next General Launch and United Launch Alliance's Vulcan."

Launch Of SpaceX Satellite Internet Payload Delayed To Wednesday.

The AP (2/17) reported that a SpaceX satellite launch from Vandenberg Air Force Base in California has been delayed "due to the need for more inspections." A Falcon 9 rocket was originally intended to launch a payload of two SpaceX test satellites on Sunday evening, but the launch is now targeted for Wednesday.

CNBC (2/17, Sheetz) reported that the SpaceX Starlink constellation, if fully deployed, would become the largest current satellite network. The largest "existing constellation is built by Iridium, with the company halfway through launching its new 75 Iridium Next satellites to space, set to finish deployment in the next year." The Starlink constellation is currently under consideration by the FCC.

The Washington Post (2/16, Fung) reported that the satellites are "part of a years-long plan by chief executive Elon Musk to create a fleet of orbiting devices to blanket the globe in wireless broadband connectivity." The satellites will use radio frequencies "known for their low-lag physical properties," in particular the Ka-, Ku- and V-bands, "with about 4,400 K-band satellites and more than 7,000 V-band satellites." The initial satellites in the network are expected to become operational next year.

Launch Of NASA'S TESS "Planet Hunter" Satellite Delayed.

Florida Today (2/17, Dean) reported that the launch of NASA's Transiting Exoplanet Survey Satellite (TESS) satellite, which had been scheduled for March 20, has been delayed to no earlier than April 16 after launch provider SpaceX requested more time "for hardware readiness and to meet NASA launch service mission requirements." The mission must launch no later than June. TESS is designed to "discover thousands" of exoplanets, and will "scan an area of sky 350 times larger than that covered by NASA's Kepler and K2 missions that have confirmed roughly 2,500 exoplanets" in a mission lasting at least two years.

Astronauts Complete Repairs To ISS Robotic Arm.

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The AP (2/16, Dunn) reported that astronauts aboard the International Space Station (ISS) "wrapped up months of repair work Friday" and completed repairs on the space station's Canadian-built robotic arm, which had "both of its aging mechanical hands replaced on spacewalks conducted in October and January." The final spacewalk was delayed due to complications with the robotic hand installed in January. Ground controllers eventually solved the issues, but additional delays were caused by the arrival of a Russian cargo vessel. NASA astronaut Mark Vande Hei and Japanese astronaut Norishige Kanai "accomplished their main objectives so fast that they had time to tackle extra chores," and were able to end their spacewalk early.

US Air Force, Aerojet Rocketdyne Renegotiating AR1 Agreement.

Space News (2/16, Foust, Subscription Publication) reported that Aerojet Rocketdyne and the US Air Force are working to "revise an agreement to support development of the company's AR1 rocket engine, as questions continue about the engine's long-term future." In a February 14 statement, the Air Force Space and Missile Systems Center (SMC) "confirmed that Aerojet Rocketdyne is seeking to revise the Rocket Propulsion System (RPS) award the company received in 2016 to reduce the fraction of development costs the company has to pay." The award currently

requires Aerojet Rocketdyne to assume a third of the costs related to the AR1 engine, and the company is seeking to reduce its share of the costs to one-sixth, according to the SMC. In its response, the SMC said that the ~~3~~ 0Air Force has gained the necessary approvals to do so, if a mutually beneficial arrangement can be reached with Aerojet Rocketdyne,” and added that the two sides “working very hard to find closure on a restructured agreement.” The SMC said that any renegotiation would “still require the AR1 to be completed by the end of 2019.”

JSC Director: One-Third Chance Next Astronaut On The Moon May Be A Woman.

The Guardian (UK) (2/17, Davis) reported that NASA Johnson Space Center (JSC) Director Ellen Ochoa said that there is at least a one in three chance that the first person to step foot on the moon this century will be a woman. Ochoa explained, “About a third of our active astronauts are women, so chances are at least a third.”

KSC Visitor Center To Display Falcon Heavy Side Core Through Tuesday.

Florida Today (2/19, Kelly) reports that one of the side cores launched on SpaceX's first Falcon Heavy rocket will be on display at the space shuttle Atlantis exhibit at the Kennedy Space Center (KSC) Visitor Complex through Tuesday.

MANUFACTURING

Global Dividends Reached Record \$1.25T In 2017.

Reuters (2/19, Masoni) reports that the investment firm Janus Henderson announced Monday that “global dividends rose 7.7 percent to an all-time high of \$1.25 trillion (1 trillion euros) last year boosted by a buoyant world economy and rising corporate confidence.” The firm said that the dividend increase – “the strongest since 2014 – was driven by increases in every region and almost every industry with record showings in 11 countries including the United States, Japan, Switzerland, Hong Kong, Taiwan and the Netherlands, the investment manager added.” In 2018, Janus Henderson “expects dividends to keep the same 7.7 percent growth rate to reach around \$1.35 trillion, as corporate and economic growth remains strong even in more volatile financial markets.” Director of Global Equity Income Ben Lofthouse is quoted saying, “Companies are seeing rising profits and healthy cash flows, and that’s enabling them to fund generous dividends. The record payout last year was almost three-quarters higher than in 2009, and there is more to come.”

STEM EDUCATION

Reaching Out To Young People Helps To Build Interest In ~~3~~ 0Smart Manufacturing.”

Advanced Manufacturing (2/15) reported that rather than continuing to “bemoan the problem” of a lack of skilled workers, “manufacturers are taking a multi-faceted approach to bridge the gap – not only for next year but also for 15 years down the road.” One part of the solution is “reaching out to children as young as nine to build excitement and get the next generation interested in smart manufacturing.” Rockwell Automation Global STEM Ambassador Jay Flores was quoted saying, “At a young age, students are curious. They’re asking questions. They haven’t yet said, ‘I’m not a math person,’ so we want to get them before they have those doubts or they lose that passion for learning

and curiosity." In addition, "manufacturers also are offering scholarships and apprenticeships," while "companies are providing on-the-job training and education reimbursements to deepen and broaden their skills."

Separately, The Hill (2/15, Milliken) reported on a hearing in the House Science, Space and Technology Committee on Thursday that focused on "new programs to help boost the number of science and technology workers in the US." The Hill added that "the Science committee's subcommittee on research and technology heard from educators who highlighted vocational training programs, two-year degrees and community colleges to help fill the gap."

Manufacturing Institute's Lee: US Not Producing Enough Workers To Fill Coming Jobs. The Hill (2/13, Wilson) reported on the various efforts to combat the "skills gap" in the US workforce, writing that "economists, demographers and political leaders are increasingly concerned that the next generation of workers won't be ready to fill millions of new jobs across the country." It added that "the combination of a generational sea change in the workforce and a technological revolution in the economy is conspiring to create a skills gap that could leave jobs unfilled."

FRIDAY'S LEAD STORIES

- New Mexico Legislature Passes Bill Increasing Confidentiality For Spaceport America Tenants.
- Airlines, Pilots, Air Traffic Controllers Urge Congress To Allow UAV Regulations.
- Delta Will Buy Bombardier CSeries Jets This Year.
- Richard Branson Admits To Jealousy Of Successful Falcon Heavy Launch.
- Federal Reserve: Industrial Production Fell 0.1% In January.

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The Aerospace States Association is an association of state lt. governors and state government officials fostering state aerospace growth and STEM workforce development. For more information, please see www.aerostates.org or contact GarelickBell@aerostates.org.

Aerospace States Association (ASA) | 107 South West Street, Suite 510 | Alexandria, VA 22314

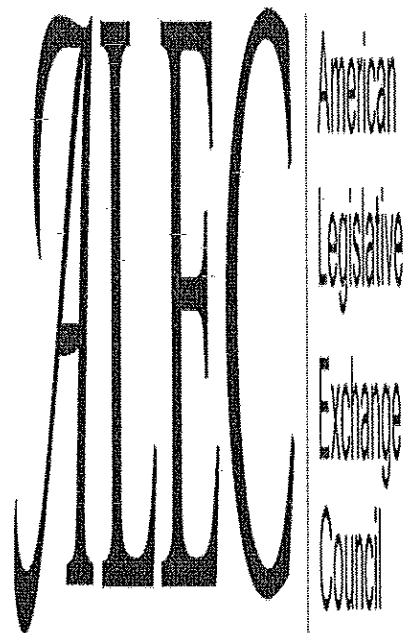
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From: Courtney Cook
Sent: Friday, February 23, 2018 10:30 AM
To: Rep93
Subject: ALEC - Policy Spotlight for Spring Meeting

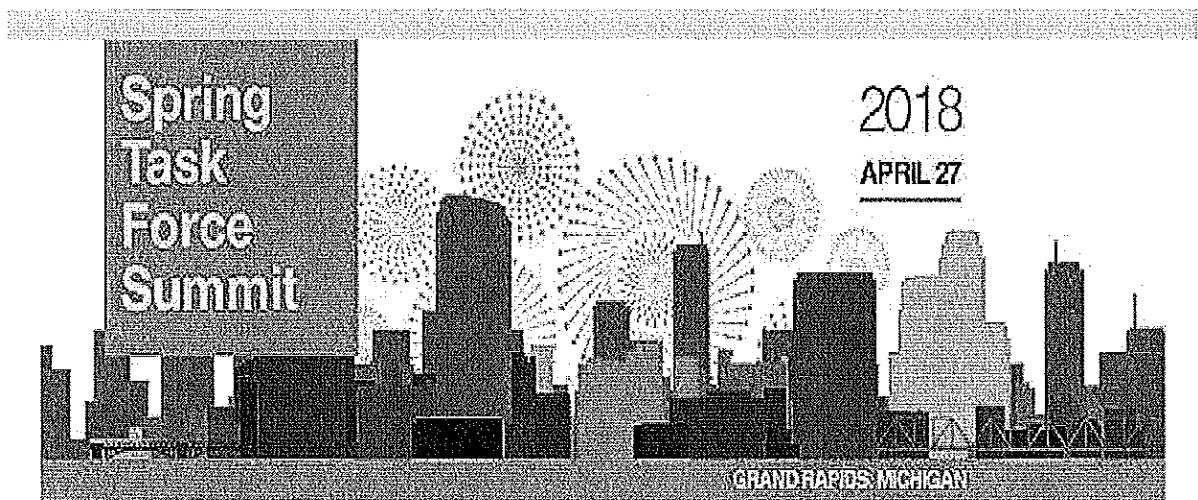
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Policy Spotlight: Civil Justice Task Force

The Task Force on Civil Justice is teaming up with the Commerce, Insurance and Economic Development Task Force to host a subcommittee to create a state model Administrative Procedures Act that would discourage over-regulation and provide some legislative oversight in the executive rule-making process.

Following the Subcommittee meeting, we are arranging for an engaging working lunch followed by a Task Force Agenda ripe with topics of interest to civil justice advocates, from liability considerations for autonomous vehicles to liability for drug innovators when courts place responsibility on them for generic drugs they never manufactured. Plan to join us on Friday morning, April 27th!

Have you registered for the ALEC 2018 Spring Task Force Summit?

When: April 27, 2018

Where: The Amway Grand Plaza
Grand Rapids, MI

Early Bird Deadline: April 6, 2018

>> REGISTER NOW



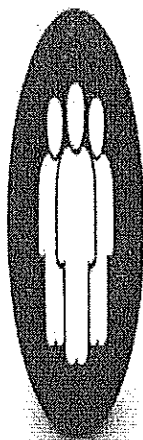
Make your reservation today at the Amway Grand Plaza

While in Grand Rapids, discover the historic charm of the Amway Grand Plaza.

Book now through **April 6, 2018*** at the ALEC rate of **\$179 per night.**

**based on availability*

Book Now



Members - Dates to Remember:



Agenda at a Glance

Thursday, April 26

9:00 PM - 11:00 PM: Late Night
Reception

Friday, April 27

8:00 AM - 11:00 AM: Task Force
Subcommittees

- **March 13, 2018** – 45-Day Policy Submission Deadline to introduce new model policy
- **March 28, 2018** – 30-Day Notice Published- A draft of the Task Force Meeting Agendas and model policies scheduled for consideration and review at the Task Force Meeting
- **April 6, 2018** – Early Bird Registration and Housing Deadline
- **April 27, 2018**– Spring Task Force Summit in Grand Rapids, MI

11:00 AM - 11:50 AM: Workshop

12:00 PM - 1:30 PM: Luncheons

2:00 PM - 5:00 PM: Task Force Meetings

5:00 PM - 6:00 PM: Michigan Welcome Reception

*Agenda is subject to change

Agenda

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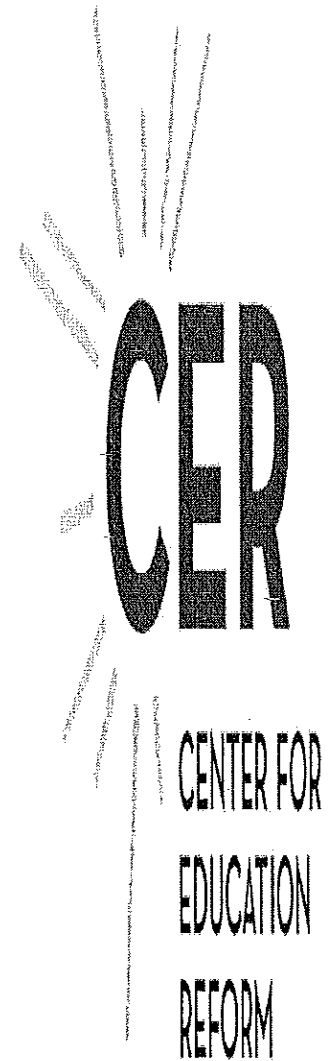
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From: The Center for Education Reform
Sent: Friday, February 23, 2018 12:43 PM
To: Rep93
Subject: Employee Freedom on Trial Monday

MEDIA ADVISORY
Friday, February 22, 2018



CONTACT

Christina Mazzanti, Dir., Communications
christina@edreform.com
(202) 750-0016

Monday: US Supreme Court hears arguments on worker freedom

Janus v. AFSCME decision, whether favorable or not, will have wide-ranging implications for public-sector union employees and education at large

(Washington, D.C.) - On Monday the U.S. Supreme Court hears oral arguments in *Janus v. AFSCME*. The significance of this case cannot be overstated; the decision could potentially restore the freedom of public employees to choose how they want their hard-earned paychecks spent, and might put decisions about voluntary union membership back into the hands of the employees themselves.

According to the Manhattan Institute, the decision can affect 5 million public workers across 22 states including California, Illinois, and New York.

The case results will also have implications for the quality of education we deliver to our children. The teachers unions fight hard to protect mediocrity, even in failing schools, and support policies that keep ineffective teachers in the classroom, a taken-for-granted practice which in turn discourages more quality entrants to the profession.

Union demands for teachers to all behave and comply with fixed rules about how schools are run stifle innovation.

The largest teachers unions in the U.S., the National Education Association and the American Federation of Teachers, are also among the largest political donors of all time, together spending the second most in political donations nationally. Many of the policies and politicians they support, and programs they seek to have implemented prevent children from escaping failing schools and deny parents their due power to determine which education best meets the needs of their children.

Leaders on both sides of the argument will be at the Supreme Court Monday. CER and its leadership will be on site to arrange interviews, and CER Founder & CEO Jeanne Allen will be available for comment. For more, contact Christina Mazzanti at (202) 750-0016 or christina@edreform.com, and for information on location

Monday contact Patrick Korten at (202) 288-4307 or
patrick.korten@kortenmedia.com.

###

Founded in 1993, the Center for Education Reform aims to expand educational opportunities that lead to improved economic outcomes for all Americans — particularly our youth — ensuring that conditions are ripe for innovation, freedom and flexibility throughout U.S. education.

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The Center for Education Reform | 1901 L Street NW, Suite 705, Washington, DC 20036

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From: K.D. Miller
Sent: Friday, February 23, 2018 1:22 PM
To: Rep93
Subject: Please pass HB160 out of committee

Ryan Smith,

I was born and raised in Kenton, Ohio and my family still lives there. I am in Washington D.C. currently furthering my education working on a graduate degree, hopeful that what I learn will not only be useful in my future career endeavors but that I will be able to utilize my experience in my home state.

As an out transgender person my rights for employment and housing are protected here in Washington D.C. and it is a shame that Ohioans are not afforded the same right as those in our nations capitol. HB160 solves that discrepancy and makes Ohio a viable choice as a place to live and advance careers for people like me.

I hope someday I can move back to my home community with the confidence that I will be afforded protections from discrimination based on my gender identity and expression. HB160 is a great start to building that confidence.

When given the opportunity, please vote YES on HB160, The Ohio Fairness Act, all Ohioans deserve the right to work and live in the great state we were raised in.

Sincerely,
Keygan D. Miller

K.D. Miller
kdmiller88@gmail.com

Kenton, Ohio 43326

From: The Buckeye Institute

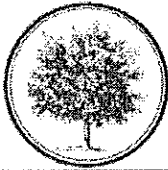
Sent: Friday, February 23, 2018 3:39 PM

To: Rep93

Subject: ICYMI: Buckeye's Robert Alt Sat Down with IdeaStream's Ashton Marra to Discuss Janus v. AFSCME

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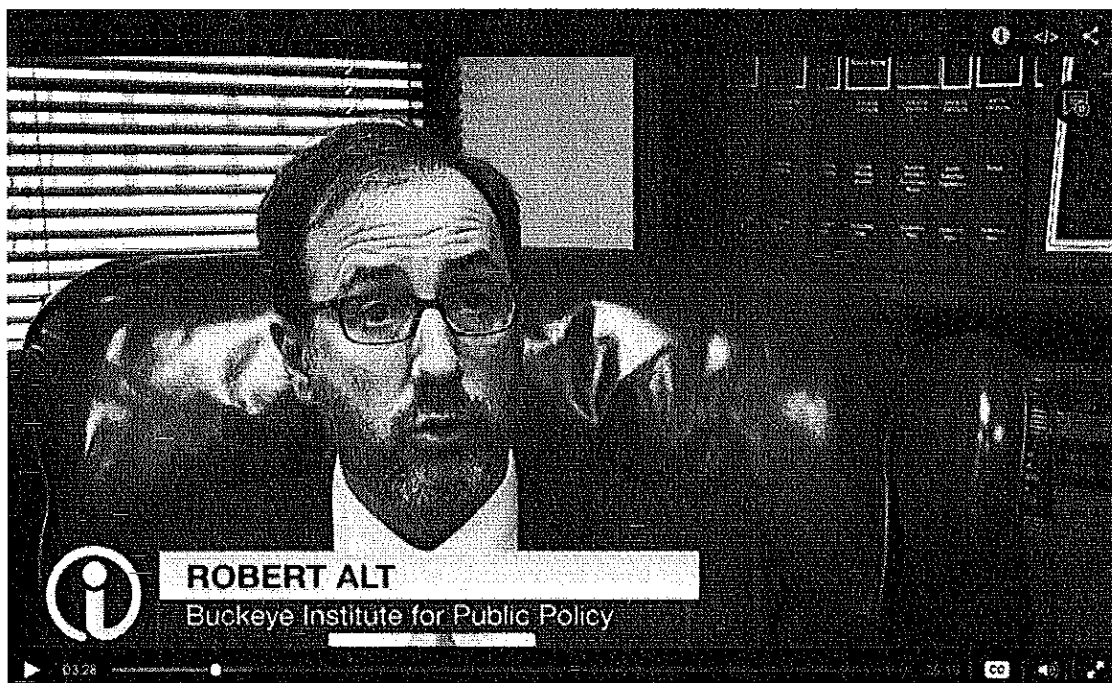
Buckeye's Robert Alt Sat Down with IdeaStream's Ashton Marra to Discuss Janus v. AFSCME

The Buckeye Institute's president and CEO Robert Alt, talked to IdeaStream's Ashton Marra about *Janus v. AFSCME* and the impact it could have on protecting the First Amendment rights of Ohio's public employees.

In the interview, Alt said in regards to public employees being forced to pay agency fees, "You don't have a choice then on how it is that the unions use that money in terms of speech, what they advocate for. That's really the core of this case."

Read and listen to the radio piece at: <http://bit.ly/2EMIE8e>.

Watch the television piece at: <http://bit.ly/2CG11XH> (Segment runs from :56-6:27).

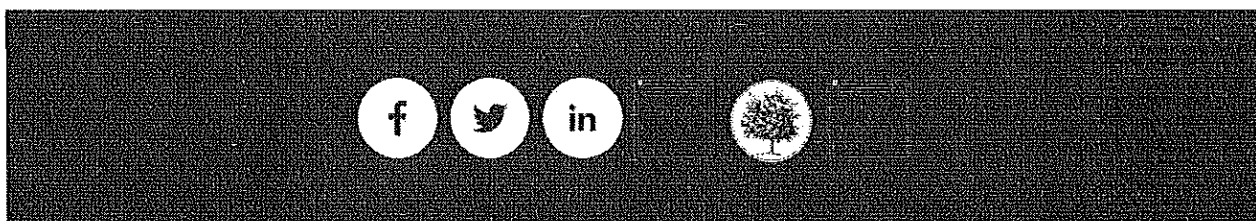


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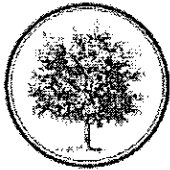
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From: The Buckeye Institute
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To: Rep93
Subject: The Buckeye Institute's Robert Alt: Unions Should Rally Behind the First Amendment Rights of All Public Employees

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Contact: Lisa Gates, Vice President of Comms
(614) 224-3255 or Lisa@BuckeyeInstitute.org

FOR IMMEDIATE RELEASE
February 24, 2018

The Buckeye Institute's Robert Alt: Unions Should Rally Behind the First Amendment Rights of All Public Employees

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Columbus, OH -- Robert Alt, president and chief executive officer of **The Buckeye Institute**, issued the following statement regarding the Working People's Day of Action rally in Columbus, Ohio.

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"Today we witnessed the First Amendment in action. Individuals who support unions joined together at a rally to freely express their opinions. But what if instead of rallying and voicing their own opinions, they were forced to pay for the speech of those who oppose unions or else they would be fired? That would be unfair, not to mention violate the First

Amendment. Mark Janus and public employees in many states including Ohio face exactly that kind of predicament.

"On Monday, we will once again watch the robust protections of our constitutional system in action as Mr. Janus' case is heard before the Supreme Court of the United States. If Mr. Janus prevails, public employees will no longer be forced to pay for political speech with which they disagree, thus ending the violation of their First Amendment rights.

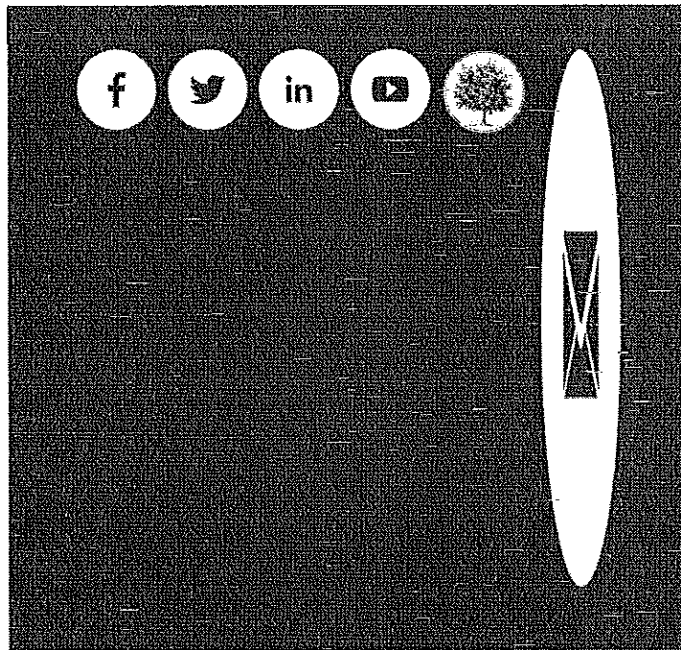
"While some claim *Janus v. AFSCME* is an attempt to weaken unions, The Buckeye Institute filed an amicus brief demonstrating that unions can still **thrive without compulsory dues**. What will change if Mr. Janus prevails is that our hard-working public servants, even those who disagree with the unions, will have their First Amendment rights protected and respected. And that is something all of us should rally behind."

###

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Sent by info@buckeyeinstitute.org

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From: karen turner

Sent: Saturday, February 24, 2018 1:55-PM

To: Rep29; Rep75; Rep88; Rep84; Rep05; Rep16; Rep31; Rep25; Rep86; Rep30; Rep93; Rep14

CC: Rep67; Rep38; Rep45; Rep41; Rep04; Rep35; Rep03; Rep69; Rep40; Rep78; Rep80; Rep32; Rep79; Rep55; Rep99; Rep56; Rep08; Rep93; Rep85; Roegner, Kristina

Subject: House GOP Plan to Merge State Education Departments

Dear Government Accountability & Oversight Committee Members,

I am the parent of two children in the Twinsburg public school system. I have watched first hand at the overreach legislators have had in education "reform" and how it has drastically reduced the quality of my children's education. While it may have started with the best of intentions, it has not turned out to benefit children. Ohio has moved from a purpose of educating children to developing a workforce. That is shortsighted and dangerous for all of us, including you. I am asking that HB512 does not continue and is stopped in its tracks. Please allow those who are experienced at teaching children in a classroom, administrators of schools, people who actually have knowledge and the experience of working with children in schools - particularly public schools, have input and influence on education policy. Allow teachers to teach. There are so many reasons this bill should be stopped, here are a few:

1. People not knowing who their elected state school board member is does not hold water as a valid reason to take away the voice of voters. I KNOW MY REPRESENTATIVE! Not only that, my current and previous one know me too. Many others know and have relationships with their representative as well. I will agree that many have no idea who represents them at the state school board. I will venture to say that many of these same people do not know who any of their local or state representatives are. So, should we get rid of all elected officials? If you don't pass the test naming your reps you cannot vote anymore? How do you feel about losing your job because many of your constituents don't know your name? I find it offensive, demeaning, and downright scary that this statement would be made let alone given as a reason to take away my vote.
2. This puts all of the power into the Governor's hands. Now, if we had a governor that had taught in a classroom, had experience in educating children, or even had raised the quality of education in Ohio, maybe I could consider supporting this. Let's take a look at how Ohio has done under

Governor Kasich. https://www.washingtonpost.com/news/answer-sheet/wp/2017/02/21/ohio-gov-kasich-is-trying-to-impose-this-misguided-mandate-on-teachers/?utm_term=.292cf2d3766f http://www.cleveland.com/metro/index.ssf/2015/03/what_has_gov_john_kasich_reall.html https://www.washingtonpost.com/news/answer-sheet/wp/2015/07/20/what-ohio-gov-john-kasich-is-doing-to-public-education-in-his-state/?utm_term=.59ef7de89bb3 https://www.washingtonpost.com/news/answer-sheet/wp/2016/02/10/the-education-mess-in-ohio-under-gov-john-kasich/?utm_term=.619bff17eebf <http://www.dispatch.com/article/20160107/NEWS/301079757>

3. Maybe you like what Governor Kasich has done and his policies. How will you feel when we get a Democrat as Governor? (gasp!) Sounds good to you if the Governor's agenda lines up with yours, what if it doesn't? What will you do then as the Ohio Constitution has been changed? Our government is about checks and balances, so no one has all the power. This puts all the power in one basket, to sway one way or the other every four years -- how exactly does that help children?
4. Ohio began having problems at the State Board of Education when it shifted from an all elected board to partly elected and partly appointed. It was proposed a couple years ago that Ohio change to all appointed board and there was public outcry against it. What is the reason to try again? Is it coincidence that several other states are trying this as well? What does ALEC have to say (I ask sarcastically)? Ohio should move back to an all elected board. Ohio's parents must have a voice in the people who are supposed to represent Ohio's children.
5. The state does not have the right to maintain a cradle to career data base on my children. That's what a lot of this is about, isn't it? Workforce Development? I will humbly point out to you that it is not your job to pick out my child's career, it is my child's choice. It is not the school's job to train my child for the workforce so when they graduate high school they can go work in Ohio in manufacturing because we have a shortage of workers! It is the school's job to educate my children, not teach to a test, not to develop their career. They are to give a well rounded education so children are prepared for their next step in life which again let me stress -- should be the child's choice.

Please withdraw HB512. Please vote no on HB512. Please stop HB512. Please put children first in education - not companies looking for workers, not test companies

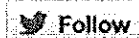
looking for a profit, not tech companies collecting and selling data about my children, not charter sponsors looking for their next investment. Children first.

Sincerely,
Karen Turner
Concerned Parent

From: Public Policy Law360
Sent: Monday, February 26, 2018 5:10 AM
To: Rep93
Subject: Up Next At The High Court: Antitrust Rule, Public Unions



Monday, February 26, 2018



TOP NEWS

Up Next At The High Court: Antitrust Rule, Public Unions

The U.S. Supreme Court is closing out its February oral argument session with a blockbuster docket, taking on a key doctrine of antitrust law in a case involving American Express Co. and pondering the fate of public sector unions. [Read more »](#)

High Court Fight Over SEC In-House Judges Heats Up

A high-profile challenge to the U.S. Securities and Exchange Commission's in-house court intensified in recent days as government lawyers urged the U.S. Supreme Court to give the agency's chair the power to remove administrative law judges, while a money manager whose case is now before the justices has asked them to come down hard against the regulator over what he calls its use of an unconstitutional tribunal. [Read more »](#)

Florida Gov, Lawmakers Propose Raising Gun-Buying Age

In response to calls for action following the Feb. 14 mass shooting at Marjory Stoneman Douglas High School, Florida's governor and top lawmakers unveiled plans Friday to quickly enhance gun control, school safety and mental



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LAW FIRMS

Allen & Overy
Arent Fox
Baker McKenzie
Baldwin Crocker
Barasch McGarry
Boies Schiller
Bond Schoeneck
Buchanan Ingersoll

health services, including raising the minimum age for all gun purchases to 21. [Read more »](#)

Philly Bar Chancellor Rips Calls For Justices' Impeachment

The chancellor of the Philadelphia Bar Association on Friday lambasted the growing number of Republican politicians calling for the impeachment of state Supreme Court justices who in January ordered the redrawing of congressional districts to correct for partisan gerrymandering. [Read more »](#)

Manafort Associate Pleads Guilty In Mueller Probe

Richard Gates, an ex-business associate of President Donald Trump's former campaign chairman Paul Manafort and himself a former member of the campaign, pled guilty Friday to charges brought as a part of Special Counsel Robert Mueller's investigation into Russian interference in the 2016 presidential election. [Read more »](#)

US Squeezes N. Korean Shipping Sector With New Sanctions

The Trump administration on Friday unveiled a slew of new sanctions aimed at cracking down on North Korea's shipping industry, flexing its muscle in what the president deemed the "largest ever" sanctions package imposed against the country. [Read more »](#)

BANKING & SECURITIES

Analysis

Reg A+ 'Mini-IPOs' Face Market Resistance

Nearly all publicly traded companies that have raised money through so-called Reg A+ initial public offerings — a scaled-down version of a traditional IPO intended to ease burdens on smaller companies — have seen their shares plunge since going public, raising questions about the program's viability. [Read more »](#)

Cantey Hanger
Cokinos Young
Covington & Burling
Cravath Swaine
DLA Piper
Davis Wright Tremaine
Duane Morris
Earthjustice
Fineman Krekstein
Gibson Dunn
Greenberg Traurig
Haynes and Boone
Hogan Lovells
Holland & Knight
Irell & Manella
Jones Day
Jones Walker
K&L Gates
KaiserDillon
Kaplan Voekler
Katten Muchin
Kellogg Hansen
King & Spalding
Kirkland & Ellis
Labaton Sucharow
Latham & Watkins
Law Offices of Stewart and Stewart
Linklaters
Littler Mendelson
Long Tuminello
McKool Smith
Miles & Stockbridge
Morgan Lewis
Morrison & Foerster
Murphy & McGonigle
Native American Rights Fund
Norton Rose Fulbright
Oblon

Ex-SEC Chair Urges Delay Of Post-IPO Suit Policy Debate

Former SEC Chairman Harvey Pitt on Friday urged current Chairman Jay Clayton to put on "the back burners" the idea of allowing companies to bar investors from filing lawsuits after an initial public offering, saying debating the subject would divert the agency's "limited resources." Read more »

ENERGY & ENVIRONMENTAL

Analysis

FERC Advancing Clean Energy Despite Trump's Fossil Focus

From rejecting a power plant bailout plan to removing electricity market barriers for renewable-friendly technologies, the Federal Energy Regulatory Commission is a lone bright spot for clean energy advocates dismayed by the Trump administration's singular focus on fossil fuels, though experts say FERC's motivations are more economic than political. Read more »

Judge Nixes BLM's Delay Of Obama Methane Flaring Rule

A California federal judge on Thursday lifted the U.S. Bureau of Land Management's block of an Obama-era rule limiting methane venting and flaring from natural gas wells on public and tribal lands, saying the agency's rationale isn't likely to pass muster. Read more »

Perry, Zinke Call For 'Responsible' Energy, Public Land Use

A pair of Cabinet secretaries who set the nation's energy policy called for "responsible" increases in the use of public lands, as well as changes to the nation's energy policy, saying Friday that the previous administration had stifled innovation and community growth. Read more »

Exxon Pushes Back Against NY AG's Free Speech Arguments

Exxon on Thursday asked a New York federal judge to reject the state attorney general's

Ogletree Deakins
Orrick Herrington
Outten & Golden
Paul Weiss
Perkins Coie
Polsinelli
Proskauer Rose
RheemBell & Mermelstein LLP
Riley Safer
Roberts Reynolds
Rosette LLP
Sandberg Phoenix
Sandler Reiff
Schiff Hardin
Sidley Austin
Skadden
Squire Patton Boggs
Stroock & Stroock
Tucker Ellis
Weil Gotshal
Western Environmental Law
Center
Wiley Rein
WilmerHale

COMPANIES

AT&T Inc.
Air Line Pilots Association
International
Altera Corporation
Amazon.com Inc.
American Express Company
American Federation of Labor and
Congress of Industrial
Organizations
American Federation of State,
County and Municipal Employees
American Trucking Associations
Inc.
Apple Inc.

contention that the Second Circuit's recent decision that the First Amendment does not shield social welfare organizations from disclosing their donors also undermines the company's free speech claims against state climate change probes. [Read more »](#)

IP & TECHNOLOGY

Iancu Sworn In At USPTO, Pledges 'Reliable, Predictable' IP

Former Irell & Manella LLP managing partner Andrei Iancu was sworn in as director of the U.S. Patent and Trademark Office on Friday and said in a speech that he aims to "foster a culture of innovation" in America and bolster confidence in intellectual property rights. [Read more »](#)

MEDIA & ENTERTAINMENT

Advertising Co. Wins Removal Of Uber, Lyft Ad Ban In NYC

A New York federal judge decided Thursday a company that places advertising in vehicles operated by ride-hailing companies including Uber and Lyft should be able to do so in New York City because the city's Taxi and Limousine Commission was unable to justify its ban on such advertisements. [Read more »](#)

TRANSPORTATION & INFRASTRUCTURE

Analysis

Top Challenges Facing Amtrak In 2018

Amtrak is facing growing pressure to improve its spotty performance, justify its national network of routes, and modernize its systems following a string of high-profile derailments and accidents and continuing threats to its budget. [Read more »](#)

REAL ESTATE

Analysis

Fla. Man, City To Spar Over Retaliatory Arrest In High Court

Aruba Networks, Inc.
BDO USA LLP
Bristol-Myers Squibb Company
BuzzFeed Inc.
C.H. Robinson Worldwide Inc.
CH Energy Group Inc.
CSX Corporation
CTIA
Carlyle Group LP
Clean Air Task Force
D. R. Horton Inc.
Delta Air Lines Inc.
Deutsche Bank AG
Digital Realty Trust Inc.
Discover Financial Services
Dunkin' Brands Group Inc.
Electronic Frontier Foundation
Environmental Defense Fund Inc.
Exxon Mobil Corporation
GlaxoSmithKline
Google Inc.
Harley-Davidson, Inc.
International Centre for Settlement of Investment Disputes
JPMorgan Chase & Co.
Land O'Lakes Inc.
Lyft Inc.
Microsoft Corporation
National Fish and Wildlife Foundation
National Public Radio Inc.
National Retail Federation Inc.
National Rifle Association of America
National Right to Work Legal Defense Foundation
Natural Resources Defense Council
Noble Energy, Inc.

When Fane Lozman — houseboat owner, activist and thorn in the side of Riviera Beach, Florida's city government — makes his second trip to the U.S. Supreme Court on Tuesday, he'll argue that the city arrested him because of his vocal opposition to a marina development plan, in a case that will have the justices tackle whether probable cause for an arrest eclipses any claims of retaliatory arrest. [Read more »](#)

Analysis

Developers Eyeing Midtown East Projects, But Face Hurdles

Questions abounded as to how developers would react after New York City last year finalized plans to rezone dozens of blocks in Midtown East, but several recently announced projects have lawyers saying the area could see a surge of development activity — although challenges remain. [Read more »](#)

EMPLOYMENT

Analysis

Union Foes Angle For Knockout In 'Right To Work' Fight

More than 40 years ago, the National Right to Work Legal Defense Foundation fell short of persuading the U.S. Supreme Court to let workers represented by public-sector unions withhold payment for that representation — one of its founding aims — in *Abood v. Detroit Board of Education*. On Monday, the group gets another shot before a high court that many expect to rule in its favor. [Read more »](#)

Cabbies Insist NY Officials Can't Dodge Uber, Lyft Rules Suit

Long Island taxicab owners told a federal judge Friday that New York Gov. Andrew Cuomo and other state officials cannot dodge a federal suit alleging new regulations allowing Uber and Lyft to operate upstate and in the suburbs are unconstitutional, saying the officials don't have immunity. [Read more »](#)

Pennsylvania Bar Association
Princess Cruise Lines Ltd.
Reed Elsevier
Robert Half International Inc.
Service Employees International Union
Sierra Club
Sinclair Broadcast Group, Inc.
Snap Inc.
Southwest Airlines Co.
Tax Foundation
The American Law Institute
Tribune Media Co.
Twilio Inc.
Twitter Inc.
U.S. Chamber of Commerce
Uber Technologies Inc.
United Federation of Teachers
United Parcel Service Inc.
Volkswagen
Wayfair LLC
Wegener Corp.

GOVERNMENT AGENCIES

Bureau of Citizenship and Immigration Services
Bureau of Land Management
Community Development Financial Institutions Fund
Delaware Court of Chancery
Department of Commerce
Drug Enforcement Administration
Eastern Shoshone Tribe
European Commission
European Union
Executive Office of the President
Federal Bureau of Investigation
Federal Communications Commission

Top Dem Wants Hearing On NLRB Member's Alleged Conflicts

The House Education and Workforce Committee's top Democrat called Friday for a hearing into whether National Labor Relations Board member Bill Emanuel's ties to Littler Mendelson PC should have disqualified him from participating in a landmark joint employment case, as the inspector general recently concluded. [Read more »](#)

COMPETITION

Sinclair-Tribune Divestiture Plan Underwhelms, Advocate Says

Sinclair Broadcast Group Inc. recently revealed plans to give up a slate of stations in its proposed megamerger with Tribune Media Co., but at least one advocacy group is crying foul at the plan as a half-hearted concession underpinned by cooperation from the Federal Communications Commission. [Read more »](#)

Air Unions Fight To Upend Norwegian Air Permit At DC Circ.

Airline unions urged the D.C. Circuit Friday to upend the U.S. Department of Transportation's grant of a foreign air carrier permit to Norwegian Air Shuttle ASA's Irish subsidiary, arguing all they need for standing for the challenge is market entry by a competitor that allegedly will undercut labor standards. [Read more »](#)

GOVERNMENT CONTRACTS

Firm Plagiarized Puerto Rico Contract Bid, Dems Claim

An Atlanta-based, one-person company that failed to deliver over 29 million emergency meals to Puerto Ricans after Hurricane Maria appears to have extensively plagiarized its winning bid to secure a \$156 million food supply government contract, Democratic lawmakers said Friday. [Read more »](#)

INTERNATIONAL TRADE

Federal Emergency Management Agency

Federal Energy Regulatory Commission

Federal Trade Commission

Government Accountability Office

Illinois Attorney General's Office

Internal Revenue Service

International Trade Commission

Kansas Department of Commerce

Mississippi Development Authority

NAFTA

National Economic Council

National Institute of Standards and Technology

National Labor Relations Board

National Railroad Passenger Corporation

National Transportation Safety Board

New York Attorney General's Office

New York State Department of Motor Vehicles

Northern Arapaho Tribe

Office of the U.S. Trade Representative

Ohio Development Services Agency

Omaha Tribe of Nebraska

Securities and Exchange Commission

Texas Department of Insurance

Texas Legislature

U.S. Attorney's Office

U.S. Census Bureau

U.S. Department of Defense

U.S. Department of Homeland Security

U.S. Department of Justice

Trump Taps Former USTR Atty For Int'l Trade Commission

President Donald Trump intends to nominate a former U.S. Trade Representative attorney for a seat on the U.S. International Trade Commission, the White House said Friday. [Read more »](#)

Pentagon Favors 'Targeted' Steel, Aluminum Tariffs

The U.S. Department of Defense has endorsed hitting imports of steel and aluminum with "targeted" tariffs rather than across-the-board enforcement measures, according to a memo released by the Trump administration late Thursday. [Read more »](#)

Canada Says It Has No Plans To Nix Arbitration From NAFTA

A Canadian trade official refuted reports that Canada has proposed to the U.S. eliminating the North American Free Trade Agreement's investor-state dispute settlement provision, telling Law360 on Thursday that if the U.S. intends to opt out of the provision, Canada will focus on a bilateral arbitration mechanism with Mexico. [Read more »](#)

TAX

Analysis

Looming Cap On Borrowing Could Alter Financing Strategies

In four years, the new tax law is scheduled to tighten restrictions on businesses claiming deductions for interest paid on borrowed funds, but highly leveraged companies already are evaluating how this imminent change will affect their cash flows and financing options. [Read more »](#)

Analysis

Tax Reform Seen Prompting Few Transfer Pricing Settlements

The new U.S. tax on deemed repatriated offshore earnings could encourage the Internal Revenue Service to settle some pending transfer pricing

U.S. Department of Labor
U.S. Department of Transportation
U.S. Department of the Interior
U.S. Department of the Treasury
U.S. Environmental Protection Agency
U.S. House of Representatives
U.S. Immigration and Customs Enforcement
U.S. Patent and Trademark Office
U.S. Senate
U.S. Supreme Court
West Virginia Department of Commerce

cases, but it won't cause the agency to abandon most of those assessments, practitioners told Law360. [Read more »](#)

Foreign-Derived Income Rate Might Not Go Up, Brady Says

The new U.S. tax law's reduced rate for the foreign use of domestically held intangible assets such as intellectual property might not increase when it's currently scheduled to do so, U.S. Rep. Kevin Brady, R-Texas, said Friday at a conference in Houston. [Read more »](#)

Feature

Days Appear Numbered For Lax Online Sales Tax Collection

Tax advisers say there's a growing awareness and concern among online sellers that the lax and sporadic sales tax collection practices of the past are over. [Read more »](#)

Treasury's Mnuchin Says IRS Calculator Coming Soon

U.S. Treasury Secretary Steven Mnuchin announced Friday at a White House press conference that the Internal Revenue Service will possibly release its tax calculator next week, through which filers can see how their withholdings will be affected by the recent federal tax overhaul legislation. [Read more »](#)

TIGTA Criticizes IRS' Worker Misclassification Project

The Treasury Inspector General for Tax Administration released a report on Friday calling on the IRS to better implement its worker misclassification initiative, saying the agency has not effectively done so because of staff turnover, decreased funding and other competing priorities. [Read more »](#)

No Quick Answer On Transition Tax, Treasury Official Says

Taxpayers shouldn't hold their breath waiting for guidance on how foreign income tax factors into

the calculation of the overseas earnings they bring back to the U.S. under the recently enacted tax overhaul, a U.S. Department of Treasury official said Friday at a conference in Houston. [Read more »](#)

IMMIGRATION

Trump Argues Dems 'Abandoned' Dreamers, Deal May Fail

President Donald Trump blamed Democrats for breakdowns in the recent immigration debate Friday, saying they have "abandoned" so-called Dreamers and would be responsible if no deal happens, while echoing campaign rhetoric about "criminal aliens." [Read more »](#)

NY, Others Back Chicago In Sanctuary City Battle With Feds

New York, California, 13 other states and the District of Columbia urged an Illinois federal court Thursday to deny the federal government's bid to toss Chicago's lawsuit challenging the Trump administration's efforts to withhold federal public safety grant funds from so-called sanctuary cities, saying the move is unlawful. [Read more »](#)

USCIS Adds Tighter Requirements For H-1B Visa Contractors

Keeping with the Trump administration's efforts to combat visa fraud, immigration attorneys said U.S. Citizenship and Immigration Services is making it harder for employers to contract out their skilled workers with H-1B visas to other companies, reacting to a policy memo released Friday. [Read more »](#)

NATIVE AMERICAN

NY Asks 2nd Circ. To Affirm \$247M UPS Cigarette Penalty

The city and state of New York asked the Second Circuit on Wednesday to affirm a \$247 million penalty against United Parcel Service Inc. for helping to move untaxed cigarettes from tribal lands, saying UPS' request to drastically reduce

its penalty was based on meritless claims of immunity. [Read more »](#)

Tribes Urge Justices To Undo Wyoming Reservation Ruling

The Eastern Shoshone Tribe and the Northern Arapaho Tribe have each urged the U.S. Supreme Court to overturn a Tenth Circuit decision that shrank the size of their shared Wyoming reservation, saying the panel's holding that a 1905 law diminished the reservation created a circuit split and conflicted with high court precedent. [Read more »](#)

TELECOMMUNICATIONS

Carriers Accused Of Cashing In On Net Neutrality Rollback

AT&T and other wireless carriers have ramped up their practice of blocking promotional text message alerts since the Federal Communications Commission repealed so-called net neutrality rules, in an effort to push paid service packages, communications platform company Twilio told the FCC on Thursday in an ex parte filing. [Read more »](#)

FCC's Pai Awarded NRA Rifle For Net Neutrality Fortitude

Federal Communications Commission Chairman Ajit Pai received a surprise award Friday at the Conservative Political Action Conference, when the National Rifle Association revealed it was gifting him a token firearm for enduring threats and insults amid the recent net neutrality deregulation. [Read more »](#)

EXPERT ANALYSIS

Series

EPA In The Trump Era: The DOJ's 3rd-Party Payment Policy

The U.S. Department of Justice's 2017 memo ending the previous administration's common practice of paying various nongovernmental, third parties as a condition of settlement with the U.S.

is an important change of course that will meaningfully impact the contours of future judicial civil consent judgments with the U.S. Environmental Protection Agency, says Raymond Ludwiszewski, former EPA general counsel and partner at Gibson Dunn & Crutcher LLP. [Read more »](#)

What The DOJ Cyber Task Force Can Do

While history is littered with reports and whitepapers that do not inspire change, there is an opportunity for the U.S. Department of Justice's new Cyber-Digital Task Force to have an impact, say attorneys with Wiley Rein LLP. [Read more »](#)

Stakeholders Must Act Now To Nominate Opportunity Zones

The Tax Cuts and Jobs Act created a program to direct much-needed capital to low-income communities by providing significant tax benefits to investors who use qualified opportunity funds. States, which can nominate communities for designation as qualified opportunity zones until March 21, are seeking input from stakeholders, and all need to act quickly, say Jones Walker LLP partners Aileen Thomas and Jonathan Katz. [Read more »](#)

The Latest On Sexual Harassment Reform In Congress

Sexual harassment in the workplace has been in the news. You may have noticed. And that issue, as things in the news so often do, has made its way to the Hill. Bill Pittard, partner at KaiserDillon PLLC examines the existing law and practice under which sexual harassment allegations in the congressional workplace typically are handled, and touches on the key elements of the leading House proposals to amend that framework. [Read more »](#)

LEXIS PRACTICE ADVISOR

Understanding Texas Mechanic's Liens And Bonds: Part 3

Texas is home to relatively complex statutory frameworks for liens and bonds used to secure payment for services rendered. Statutory and constitutional liens provide powerful remedies for nonpayment, but only if the proper guidelines are strictly observed, says David Tolin of Cokin Young in the final part of this article. [Read more »](#)

LEGAL INDUSTRY

Feature

How Mentors For Senior Partners Could Benefit BigLaw

Large law firms have long offered mentorship programs in which senior partners bestow pearls of wisdom upon junior attorneys, but at least one law firm is shaking up that traditional model in what some say could be a game-changer for the legal industry. [Read more »](#)

Analysis

Ex-Skadden Atty's Plea Raises Specter Of Foreign Lobbying

The sudden guilty plea of a now-former Skadden lawyer who helped write a legal analysis commissioned by Paul Manafort on behalf of a Ukrainian president puts further scrutiny on the firm's role in the controversial report and whether Skadden crossed into the legally precarious position of unregistered lobbying for a foreign government, experts said. [Read more »](#)

LSAT Administrator Likely In Contempt As Feds Sit Idly By

A California federal judge said Friday that the Law School Admission Council Inc. was likely in contempt of a consent decree laying out ways it should accommodate disabled test takers, adding it was "astounding" that the federal government took no position on the alleged violations after it had vigorously pursued the litigation for several years. [Read more »](#)

GC Cheat Sheet: The Hottest Corporate News Of The Week

A report revealed that National Public Radio management hired and retained news executive Michael Oreskes despite multiple "flags" regarding his inappropriate behavior toward women, Democrats dinged new U.S. Securities and Exchange Commission guidance as old advice, and the general counsel of Discover Financial Services spoke with Law360 about how the company prioritizes diversity and inclusion. These are some of the stories in corporate legal news you may have missed in the past week. [Read more »](#)

Podcast

Law360's Pro Say: Microsoft's Supreme Court Privacy Battle

On the latest episode of Law360's Pro Say podcast, we are joined by Microsoft's head of litigation to talk about upcoming U.S. Supreme Court oral arguments in a privacy case over data stored on servers overseas. We also chat about a BigLaw attorney swept up in Robert Mueller's ongoing investigation, the Supreme Court narrowing legal protections for corporate whistleblowers, and a legal beef over Dunkin' Donuts Angus steak sandwiches. [Read more »](#)

In Case You Missed It: Hottest Firms And Stories On Law360

For those who missed out, here's a look back at the law firms, stories and expert analyses that generated the most buzz on Law360 last week. [Read more »](#)

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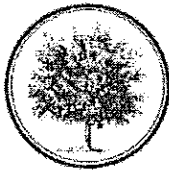
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From: The Buckeye Institute
Sent: Monday, February 26, 2018 1:39 PM
To: Rep93
Subject: ICYMI: In a piece for National Review Buckeye's Robert Alt looks the funding of Janus v. AFSCME

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THE BUCKEYE INSTITUTE

In a piece for **National Review**, Buckeye's Robert Alt looks at the funding of *Janus v. AFSCME*, saying, "What is surprising is the fact that Mark Janus is personally funding a cadre of high-priced lawyers with one goal: making sure that Mark *loses* his case."

NATIONAL REVIEW

The Money Behind *Janus*: It's Déjà vu All Over Again

National Review

By Robert Alt

February 26, 2018

This morning, the Supreme Court will hear oral arguments in *Janus v. American Federation of State, County, and Municipal Employees, Council 31*. The case asks a similar question to one raised just two years ago in *Friedrichs v. California Teachers Association* - namely whether forcing a public employee to choose between subsidizing a union's political speech or being subject to termination for failure to do so violates the First Amendment.

Coming so soon after *Friedrichs* - a case in which the Court deadlocked 4-4 after the tragic and untimely death of Justice Scalia - *Janus* has a déjà vu quality to it. The sense that we have seen all of this before is nowhere more palpable than in the public arguments marshaled by some of the more liberal elements of the media against Mark Janus's case.

Bereft of sufficient legal arguments to justify the First Amendment violations perpetuated against public servants, left-wing publications have resorted to attacking the messenger. Mark Janus, a child-support specialist for the state of Illinois, is accused of being an agent of big corporations and billionaires. The proof? The public-interest law firms that represent Mr. Janus - namely Liberty Justice Center and the National Right to Work Legal Foundation - are accused of taking donations from charitable foundations that support free-market policy.

Just as in *Friedrichs*, it is perfectly unsurprising that foundations and individuals voluntarily would give to non-profit, public-interest law firms that provide free representation to their clients. Indeed, public-interest firms on both the left and the right regularly rely on charitable donations to carry out their work.

What is surprising is the fact that Mark Janus is personally funding a cadre of high-priced lawyers with one goal: making sure that Mark *loses* his case. Why would he pay for the lawyers arguing against him? Because he has no choice. Mark is required to pay agency fees to the union, which are used for chargeable expenses like litigation, or he can be fired. And, of course, he is required to pay for political collective bargaining speech, or he can be fired.

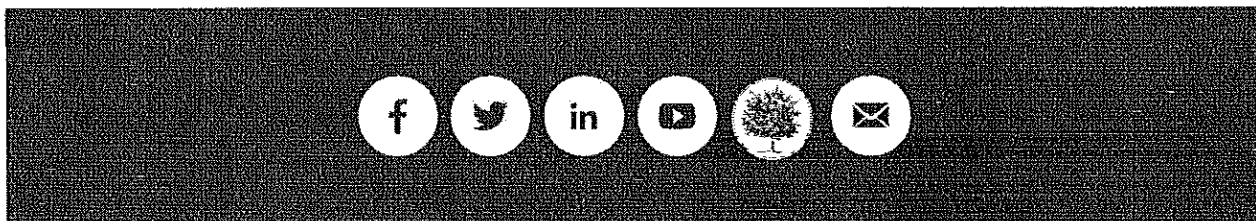
This is the real story of the money behind the *Janus* case—a story of forced contributions for political speech. But the story could have a happy ending. The Supreme Court will hear arguments today in a case that could vindicate the First Amendment rights of millions of Americans like Mark Janus. For Rebecca Friedrichs, for Mark Janus, and for all the workers who are being denied a voice and a choice, let's hope that the second time is the charm.

Robert Alt is the president and chief executive officer of The Buckeye Institute.

###

Founded in 1989, The Buckeye Institute is an independent research and educational institution - a think tank - whose mission is to advance free-market public policy in the states.

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FOR IMMEDIATE RELEASE
February 26, 2018

**After Attending Oral Arguments in Janus v. AFSCME,
Buckeye's Robert Alt Reacts**

Columbus, OH -- Robert Alt, president and chief executive officer of **The Buckeye Institute**, issued the following statement after attending the oral arguments in *Janus v. American Federation of State, County, and Municipal Employees, Council 31* at the Supreme Court of the United States.

"Today, Mark Janus, and all hard-working public employees, had their day in court. Mr. Janus's lawsuit has the potential to be one of the most important labor and free speech cases in the past 40 years.

"Justice Kennedy, who is traditionally a swing vote on the Supreme Court, asked very tough questions of the union lawyers, in which he expressed major concerns about the speech at issue being both compelled and political. Given how frequently Justice Kennedy is in the majority, his questions have to be a cause of concern for those seeking to continue the practice of forcing public servants to pay for union speech with which they may disagree.

"What Mark, and others before him have done is not easy. Standing up for your rights and the rights of others is rarely an easy thing to do, but it must be done. It is immoral for the government to force hard-working public servants to pay for political speech with which they disagree under the threat of being fired. It is also unconstitutional."

The Buckeye Institute **filed briefs** with the Supreme Court of the United States supporting the free speech rights of public employees like Mr. Janus.

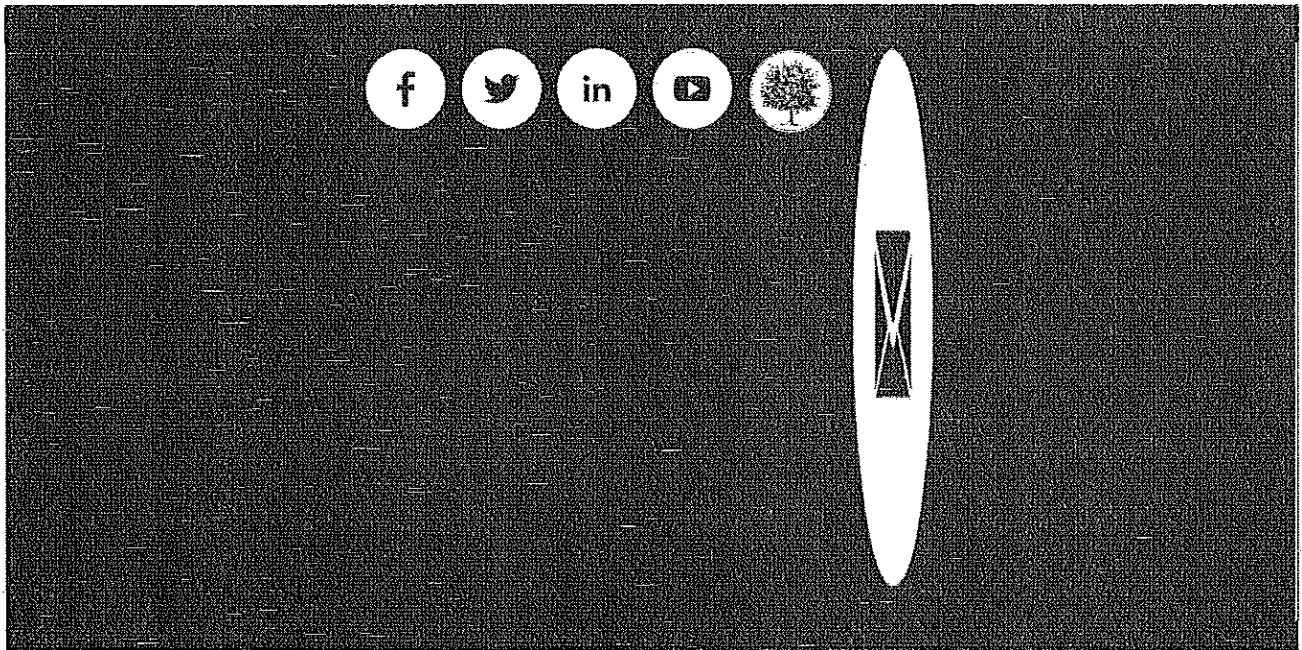
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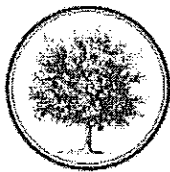
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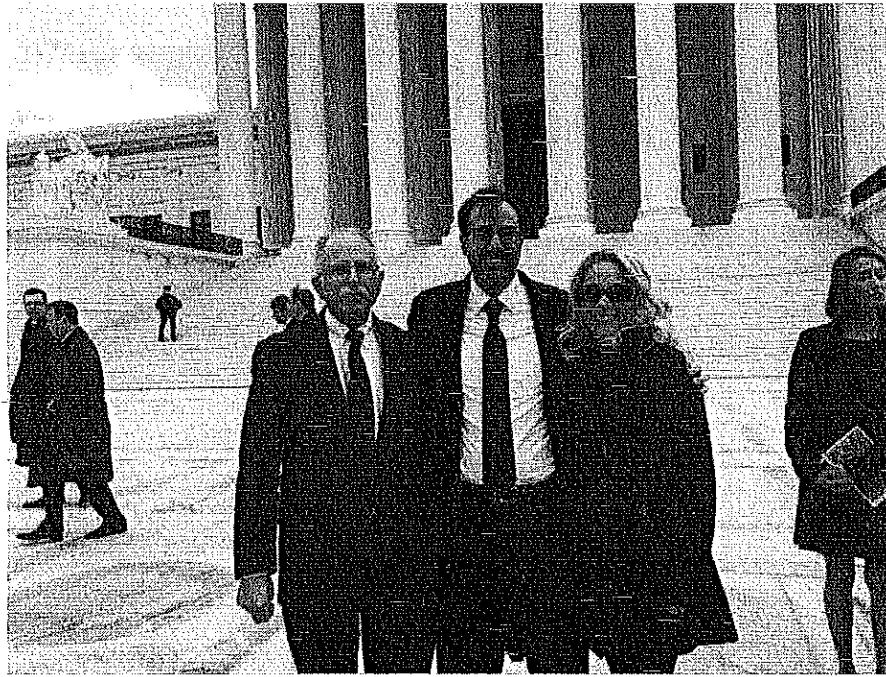
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Buckeye's Robert Alt, Rea Hederman, and Lisa Gates traveled to Washington, DC, for the oral arguments in *Janus v. American Federation of State, County, and Municipal Employees, Council 31*, and a rally in support of Mark Janus and hard-working public employees this morning.



Robert Alt (center) with Mark Janus and Rebecca Friedrichs outside the U.S. Supreme Court after oral arguments.

Before they left, **Robert commented on the union rally** in Columbus on Saturday, saying:

"While some claim *Janus v. AFSCME* is an attempt to weaken unions, The Buckeye Institute filed an amicus brief demonstrating that unions can still **thrive without compulsory dues**. What will change if Mr. Janus prevails is that our hard-working public servants, even those who disagree with the unions, will have their First Amendment rights protected and respected. And that is something all of us should rally behind."

Before getting in line at 5:45 a.m. to attend the oral arguments this morning, Robert wrote a **piece for National Review** commenting on the funding of *Janus v. AFSCME*, saying, "What is surprising is the fact that Mark Janus is personally funding a cadre of high-priced lawyers with one goal: making sure that Mark *loses* his case."

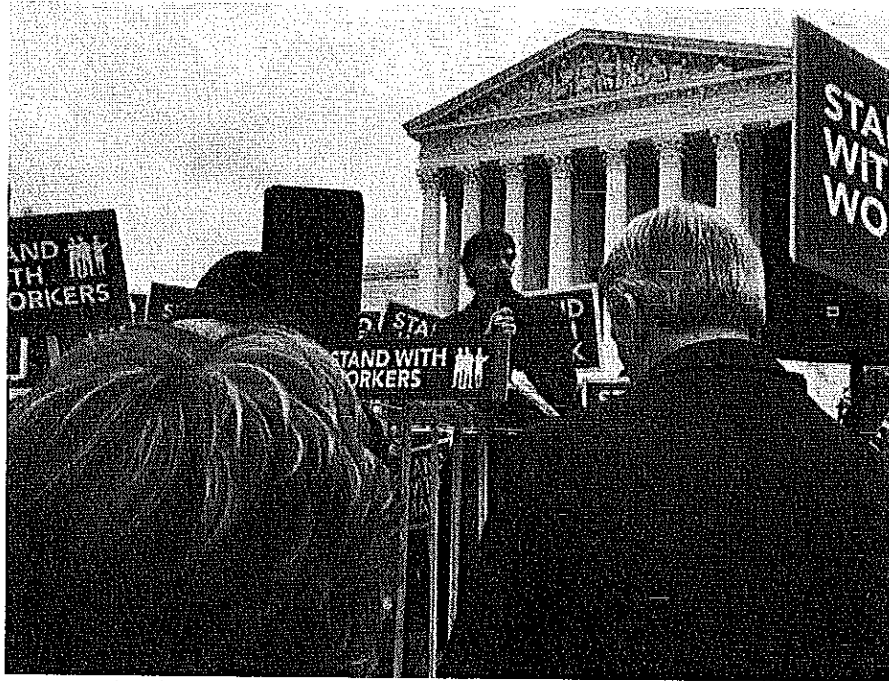
After the oral arguments, Robert **again offered his expert opinion** to the press and his reaction to today's hearing, saying:

"What Mark, and others before him have done is not easy, but it must be done. It is immoral for the government to force hard-working public servants to pay for political speech with which they disagree under the threat of being fired. It is also unconstitutional."



Robert Alt talks with media about the *Janus v. AFSCME* oral arguments and what the case means for public employees.

While Robert was in the courtroom today, Buckeye's Rea Hederman was on the steps of the Supreme Court speaking at the Stand With Mark rally outside the Supreme Court.



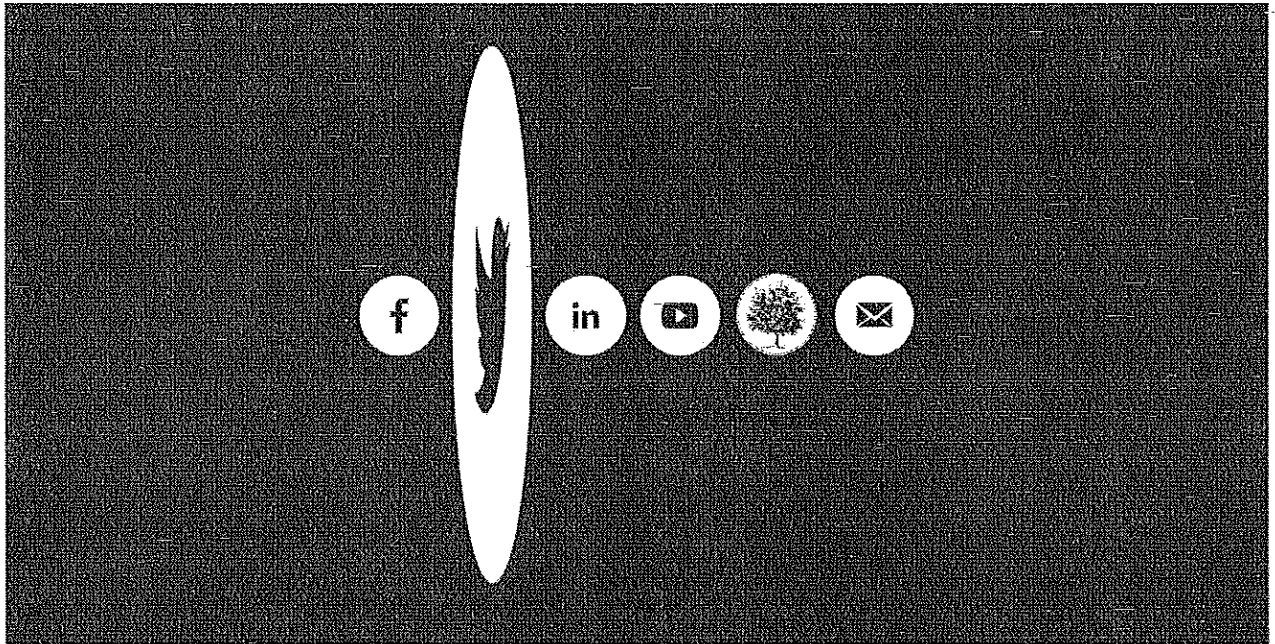
Buckeye's Rea Hederman speaks at the Stand With Mark rally.

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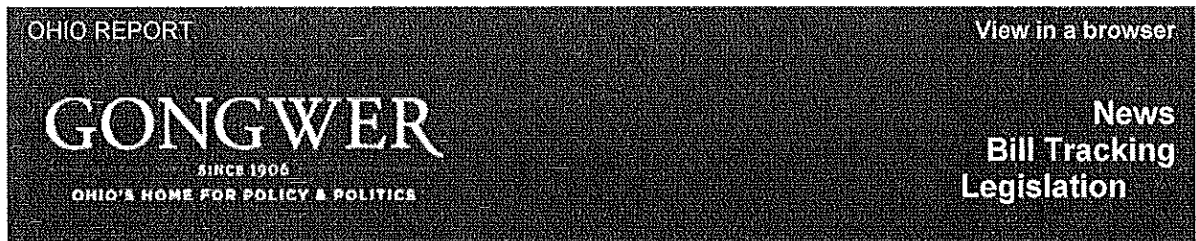
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OHIO REPORT MONDAY, FEBRUARY 26

\$2.62 Billion Capital Budget Prioritizes Projects To Address Opiate Addiction, Related Issues

Cardinal Health Among Drug Distributors Targeted In Latest DeWine Opioid Suit

Nearly \$29M In State IT Funding Clears Controlling Board

Adult Charge Stemming From Juvenile Conviction Challenged At High Court

Ohio Groups Debate Trump's Short-Term Health Plan Proposal

Travel Trailer Maker Tops List Of Tax Credits Issued By State Panel

Kasich Declares Emergency As Flood Risks Continue

Cyberattack Temporarily Shuts Down State Websites, Phones

Environmental Group Calls For Setback, Chemical Reporting Changes Following Well Fire

Schiavoni, Williams Plan Firearm Removal Bill; Yost Unveils School Safety Plan; High Court Hears Janus Case; Kucinich Continues Gun Push...

Governor's Appointments

Supplemental Event Planner

ACTIVITY REPORTS

===== A

House

Senate

CALENDARS

=====

Day Planner

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Daily Activity Planner for Tuesday, February 27

Legislative Committees

Senate Transportation, Commerce & Workforce (Committee Record) (Chr. LaRose, F., 466-4823), Finance Hearing Rm., 9:30 a.m.

HB 159 **MONTH DESIGNATION** (Riedel, C.) To designate May as "Drive Ohio Byways Month." (1st Hearing-Sponsor)

HB 195 **WHEELCHAIR TRANSPORTS** (Ingram, C., Seitz, B.) To modify the provisions concerning the transport of persons who require the use of a wheelchair or other mobility aid in nonemergency circumstances. (3rd Hearing-All testimony-Possible amendments & vote)

HCR 19 **HATE GROUPS** (Leland, D., Greenspan, D.) To denounce and oppose the totalitarian impulses, violent terrorism, xenophobic biases, and bigoted ideologies that are promoted by white nationalists and neo-Nazis, to urge law enforcement to recognize white nationalist and neo-Nazi groups as terrorist organizations, and to pursue the criminal elements of these domestic terrorist organizations in the same manner and with the same fervor used to protect the United States from other manifestations of terrorism. (2nd Hearing-Proponent)

HB 336 **LICENSE FEES** (Barnes, J., Greenspan, D.) To prohibit the imposition of driver's license and temporary instruction permit reinstatement fees in specified circumstances and to name this act the Reinstatement Fee Amnesty Initiative. (2nd Hearing-Proponent)

HB 250 **ELECTRIC BICYCLES** (Brinkman, T.) To establish requirements for the use of electric bicycles. (1st Hearing-Sponsor)

Senate Local Government, Public Safety & Veterans Affairs (Committee Record) (Chr. Uecker, J., 466-8082), South Hearing Rm., 9:45 a.m.

- Confirmation hearing on governor's appointment of Scott Arthur, State Board of Emergency Medical, Fire and Transportation Services

HB 307 **MONTH DESIGNATION** (Gonzales, A.) To designate September as "We Card Month." (2nd Hearing-Proponent)

HB 229 **DAY DESIGNATION** (Romanchuk, M., Wiggam, S.) To designate February 3 as "Charles Follis Day." (2nd Hearing-Proponent)

HB 202 **AWARENESS DAY** (Thompson, A.) To designate the first Saturday of May as "Veterans Suicide Awareness Day." (2nd Hearing-Proponent)

SB 106 **SMOKING** (Tavares, C.) To prohibit smoking in a motor vehicle in which a child under six years of age is a passenger. (1st Hearing-Sponsor)

HB 194 **LICENSE PLATES** (Johnson, T., Craig, H.) To establish a program for the issuance of special license plates related to military service and awards. (4th Hearing-All testimony-Possible amendments & vote)

House Rules & Reference (Committee Record) (Chr. Rosenberger, C., 466-3506), Rm. 119, 10 a.m.

House Ways & Means (Committee Record) (Chr. Schaffer, T., 466-8100), Rm. 121, 10 a.m.

SB 226 **TAX HOLIDAY (Bacon, K.)** To provide for a permanent three-day sales tax "holiday" each August during which sales of clothing and school supplies are exempt from sales and use tax. (1st Hearing-Sponsor)

SB 22 **TAX LAWS (Peterson, B.)** To expressly incorporate changes in the Internal Revenue Code since February 14, 2016, into Ohio law. (3rd Hearing-All testimony-Possible amendments, substitute & vote)

HB 507 **TAX CREDIT (Gonzales, A.)** To allow a refundable income tax credit for parents of stillborn children. (1st Hearing-Sponsor)

HB 488 **TAX LEVIES (Hood, R., Becker, J.)** To modify the information conveyed in election notices and ballot language for property tax levies. (1st Hearing-Sponsor & proponent)

Senate Judiciary (Committee Record) (Chr. Bacon, K., 466-8064), North Hearing Rm., 10:15 a.m.

- **Confirmation hearing on governor's appointments of Mark Wasylshyn, Michael Staley, Brian Simms and Jay Beighley, Ohio Private Investigation and Security Services Commission**

SB 66 **CRIMINAL LAWS (Eklund, J., Tavares, C.)** To modify criminal sentencing and corrections law by including rehabilitation as a purpose of felony sentencing, removing the one-year minimum for presumptive fourth or fifth degree felony community control sanctions, modifying sanctions for a violation of a community control condition, modifying the manner of calculating confinement credits, modifying eligibility criteria and procedures for granting intervention in lieu of conviction, making offenders convicted of certain multiple fourth or fifth degree felonies eligible for conviction record sealing, revising procedures for the Adult Parole Authority to grant a final release or terminate post-release control, and modifying the criteria for considering a prison term sanction for a post-release control violation. (5th Hearing-All testimony-Possible vote)

SB 231 **OFFENDER DATABASE (Gardner, R.)** To provide for a violent offender database, require violent offenders to enroll in the database, and name those provisions of the act "Sierah's Law;" to modify the membership and duties of the Ex-Offender Reentry Coalition and eliminate its repeal; to require halfway houses to use the single validated risk assessment tool for adult offenders that the Department of Rehabilitation and Correction has developed; and to provide that the notice of release from prison of specified serious offense offenders that is given to sheriffs is to be the same as that provided to prosecuting attorneys and eliminate the notice to sheriffs regarding pardons, commutations, paroles, and transitional control transfers of offenders. (2nd Hearing-Possible amendments)

- SB 171** **PROTECTION ORDERS** (Hottinger, J.) To increase the penalty that applies to the offense of violating a protection order under certain circumstances and to require electronic monitoring of those convicted of violating certain protection orders to be carried out by probation agencies. (3rd Hearing-All testimony-Possible amendments)
- SB 195** **DOGS LAW** (Beagle, B.) To revise provisions of the Dogs Law governing nuisance, dangerous, and vicious dogs, to revise enforcement of that Law, and to establish a notification process regarding complaints of certain violations of that Law. (3rd Hearing-All testimony-Possible amendments)
- SB 244** **PROSTITUTION** (Dolan, M., Manning, G.) To amend the penalties for promoting prostitution. (2nd Hearing-Proponent)
- House Finance** (Committee Record) (**Chr. Smith, R., 466-1366**), Rm. 313, 11 a.m.
- HB 529** **CAPITAL APPROPRIATIONS** (Ryan, S.) To make capital appropriations and changes to the law governing capital projects and to make reappropriations for the biennium ending June 30, 2020. (1st Hearing-Sponsor-Pending referral)
- HB 508** **OHIO CORPS** (Ryan, S., Reineke, B.) To establish the Ohio Corps Pilot Project and to make an appropriation. (2nd Hearing-Proponent)
- HB 378** **BROADBAND GRANTS** (Smith, R., Cera, J.) To create the Ohio Broadband Development Grant Program and to make an appropriation. (5th Hearing-All testimony-Possible substitute)
- House Economic Development, Commerce & Labor** (Committee Record) (**Chr. Young, R., 644-6074**), Rm. 113, 1:30 p.m.
- HB 504** **INTERIOR DESIGNERS** (Pelanda, D.) Regarding interior designers. (1st Hearing-Sponsor)
- HB 263** **OUTDOOR DINING AREAS** (Lanese, L.) To generally allow an owner, keeper, or harbinger of a dog to take the dog in an outdoor dining area of a retail food establishment or food service operation. (6th Hearing-All testimony-Possible vote)
- HB 211** **HOME INSPECTORS** (Hughes, J.) To require the licensure of home inspectors and to create the Ohio Home Inspector Board to regulate the licensure and performance of home inspectors. (5th Hearing-All testimony-Possible vote)
- HB 433** **VETERINARY EDUCATION** (Kelly, B., Brinkman, T.) To allow a licensed veterinarian to receive up to two continuing education credits per biennium for performing free spaying and neutering services. (2nd Hearing-Proponent)
- House Criminal Justice** (Committee Record) (**Chr. Manning, N., 644-5076**), Rm. 114, 1:30 p.m.
- HB 457** **DRUG TREATMENT** (Antani, N.) To require that an offender serving a community control sanction or a parolee who fails a drug test for heroin,

fentanyl, or carfentanil be held in jail or admitted to a residential treatment program for up to 30 days. (2nd Hearing-Proponent)

HB 391

ECONOMIC LOSSES (Merrin, D.) To include the cost of accounting done to determine the extent of economic loss as a type of economic loss for which restitution may be granted. (4th Hearing-All testimony-Possible amendments & substitute)

House State & Local Government (Committee Record) (Chr. Anielski, M., 644-6041), Rm. 017, 2 p.m.

HB 454

CEMETERY LOTS (Patterson, J., Arndt, S.) To require a township to compensate the owner of certain unused cemetery lots and rights which the township reenters after lack of response from the owner. (5th Hearing-All testimony-Possible vote)

HR 299

DRUG USE (Young, R., Ginter, T.) To recognize the efforts and successes of the faith-based community in supporting and assisting individuals who are suffering from opioid and other drug abuse and addiction. (3rd Hearing-All testimony-Possible vote)

HB 483

WEEK DESIGNATION (Patterson, J.) To designate the second week of October as "Ohio Covered Bridge Week." (2nd Hearing-All testimony)

HB 484

HEALTH DISTRICTS (Brenner, A.) To authorize city and general health districts to use credit cards in accordance with prescribed requirements. (1st Hearing-Sponsor)

HB 492

STATE PROCUREMENT (Gonzales, A.) To establish the women-owned business enterprise program requiring state agencies to establish women-owned business procurement goals. (1st Hearing-Sponsor)

HB 493

MINORITY ENTERPRISES (Gonzales, A.) To authorize the Director of Administrative Services to enter into reciprocal agreements with other states with respect to the certification of minority business enterprises and EDGE business enterprises. (1st Hearing-Sponsor)

HB 500

TOWNSHIP LAWS (Carfagna, R.) To make various changes to township law. (1st Hearing-Sponsor)

House Government Accountability & Oversight (Committee Record) (Chr. Blessing, L., 466-9091), Rm. 313, 2 p.m.

- Note time & room change.

HB 382

UNEMPLOYMENT COMPENSATION (Schuring, K.) To modify terms describing payments made under the Unemployment Compensation Law, to increase the amount of wages subject to unemployment compensation premiums, to require qualifying employees to make payments to the Unemployment Compensation Insurance Fund, to allow the Director of Job and Family Services to adjust maximum weekly benefit amounts, to reduce the maximum number of benefit weeks, and to make other changes to the Unemployment Compensation Law. (15th Hearing-All testimony)

- HJR 4** **UNEMPLOYMENT COMPENSATION (Schuring, K.)** Proposing to enact Section 2t of Article VIII of the Constitution of the State of Ohio to allow the General Assembly to provide by law for the issuance of bonds to pay unemployment compensation benefits when the fund created for that purpose is or will be depleted or to repay outstanding advances made by the federal government to the unemployment compensation program. (15th Hearing-All testimony)
- HB 512** **EDUCATION DEPARTMENT (Reineke, B.)** To establish the Department of Learning and Achievement; to abolish the Department of Higher Education, the position of the Chancellor of Higher Education, and the Ohio Board of Regents; to transfer, with exceptions, the duties regarding the administration of primary and secondary education programs and all duties regarding the administration of higher education programs to the Department of Learning and Achievement; and to prescribe certain duties regarding educator licensure, community school sponsorship, and other education programs for the State Board of Education, Superintendent of Public Instruction, and Department of Education. (2nd Hearing-Proponent)
- HB 451** **PUBLIC RECORDS (Retherford, W.)** To exclude from the definition of public record under the Public Records Law any depiction by photograph, film, videotape, or digital, visual, or printed material of victims of crime under specified circumstances dealing with the victims' bodily privacy. (4th Hearing-All testimony-Possible vote)
- SB 223** **USED TIRES (LaRose, F.)** To prohibit the installation of unsafe used tires on certain motor vehicles. (4th Hearing-All testimony-Possible amendments & vote)
- SB 10** **PRIMARY ELECTIONS (LaRose, F.)** To expand the circumstances under which a board of elections or the secretary of state is not required to hold a primary election. (3rd Hearing-All testimony-Possible substitute)
- HB 506** **DOG BREEDERS (Hill, B.)** To revise the law governing high volume dog breeders. (2nd Hearing-Proponent-Possible amendments)
- HB 469** **TAX CREDIT (Schuring, K., Patton, T.)** To authorize a nonrefundable insurance company tax credit for contributions of capital to transformational mixed use development projects. (2nd Hearing-Proponent)
- HB 489** **FINANCIAL INSTITUTIONS (Dever, J.)** To provide some regulatory and tax relief to state banks and credit unions, to provide for data analytics to be conducted on publicly available information regarding banks, credit unions, and consumer finance companies, to modify when a creditor can file a claim against an estate, to require registration of mortgage loan servicers, and to require a specified notice be given to a debtor for certain debt collection. (1st Hearing-Sponsor-Possible amendments)
- SB 139** **LEGAL MATERIALS (Skindell, M., Eklund, J.)** To adopt the Uniform Electronic Legal Material Act. (1st Hearing-Sponsor)

HB 450 **HEALTH BENEFITS** (Antani, N.) To impose review and other requirements on existing health insurance mandated benefits and to establish requirements for the creation of new mandated benefits. (2nd Hearing-Proponent)

HB 342 **TAX LEVIES** (Merrin, D.) To permit local tax-related proposals to appear only on general and primary election ballots and not on an August special election ballot and to modify the information conveyed in election notices and ballot language for property tax levies. (4th Hearing-All testimony)

Senate Finance (Committee Record) (**Chr. Oelslager, S., 466-0626**), **Finance Hearing Rm., 2:30 p.m.**

- **Confirmation hearing on governor's appointments of Pamela Mowry, North Central State College Board of Trustees and Jo Ann Davidson and Ranjan Manoranjan, Ohio Casino Control Commission**

SB 266 **CAPITAL APPROPRIATIONS** (Oelslager, S.) To make capital appropriations and changes to the law governing capital projects and to make reappropriations for the biennium ending June 30, 2020. (Presentation from OBM Director Tim Keen)

HB 168 **CEMETERY REGISTRATION** (Stein, D.) To modify duties of the Division of Real Estate in the Department of Commerce regarding cemetery registration, to specify cemetery owners must reasonably maintain cemeteries, to establish the Cemetery Grant Program, and to make an appropriation. (4th Hearing-All testimony-Possible vote)

HB 251 **SUBDIVISION INVESTMENTS** (Greenspan, D.) To increase from five to ten years the maturity period of other political subdivision's bonds and obligations eligible for investment of a subdivision's interim moneys, a county's inactive moneys, and money in the county public library fund. (4th Hearing-All testimony-Possible vote)

Senate Health, Human Services & Medicaid (Committee Record) (**Chr. Burke, D., 466-8049**), **South Hearing Rm., 3:15 p.m.**

SB 218 **MEDICAID PROVIDERS** (Lehner, P.) Regarding surety bonds and minimum training for certain Medicaid providers. (1st Hearing-Sponsor-Possible amendments)

HB 332 **ANATOMICAL GIFTS** (Antani, N.) Regarding anatomical gifts, transplantation, and discrimination on the basis of disability. (1st Hearing-Sponsor)

HB 340 **PUBLIC ASSISTANCE** (Young, R.) Regarding the release of information concerning public and medical assistance recipients. (1st Hearing-Sponsor)

SB 233 **COTTAGE FOOD PRODUCTION** (Thomas, C.) To allow a cottage food production operator to use a firebrick oven located on a patio at the operator's residence for purposes of the cottage food production operation (2nd Hearing-Proponent)

HB 111 **MENTAL HEALTH COMMITMENTS** (Carfagna, R., Ryan, S.) To authorize certain advanced practice registered nurses to have a person involuntarily

transported to a hospital for a mental health examination. (4th Hearing-All testimony-Possible amendments)

House Education & Career Readiness (Committee Record) (Chr. Brenner, A., 644-6711), Rm. 121, 4 p.m.

- HB 502** **YOUTH SUICIDE (Anielski, M.)** With regard to educator inservice training on youth suicide awareness and prevention in public schools. (1st Hearing-Sponsor)
- HB 503** **YOUTH SUICIDE (Anielski, M.)** With regard to educator inservice training on youth suicide awareness and prevention in private schools. (1st Hearing-Sponsor)
- HB 318** **SCHOOL RESOURCE OFFICERS (Patterson, J., LaTourette, S.)** To define the necessary qualifications and responsibilities of school resource officers. (3rd Hearing-All testimony-Possible substitute & vote)
- HB 428** **STUDENT EXPRESSION (Ginter, T., LaTourette, S.)** Regarding student religious expression and to entitle the act the "Ohio Student Religious Liberties Act of 2018." (3rd Hearing-Opponent)
- HB 491** **EDUCATION LICENSE (Edwards, J.)** To require the State Board of Education to issue a substitute license to specified pupil services personnel. (2nd Hearing-All testimony)
- HB 360** **BULLYING (Greenspan, D.)** To enact the "Ohio Anti-Bullying and Hazing Act" with regard to school discipline and bullying and hazing policies at public schools and public colleges. (4th Hearing-Possible substitute)

Senate Government Oversight & Reform (Committee Record) (Chr. Coley, B., 466-8072), Finance Hearing Rm., 4 p.m.

- SR 342** **COLUMBUS CREW (Kunze, S.)** To urge the investor-operator and chairperson of Columbus Crew Soccer Club to keep the franchise in Columbus. (2nd Hearing-All testimony-Possible vote)
- SB 221** **AGENCY RULEMAKING (Uecker, J.)** To reform agency rule-making and legislative review thereof. (3rd Hearing-Opponent-Possible amendments)
- HB 226** **FIREWORKS (Seitz, B., Sweeney, M.)** To establish a fireworks study group to review and make recommendations regarding the Fireworks Law, to extend to July 1, 2020, the moratorium on issuing fireworks manufacturer and wholesaler licenses, to eliminate, beginning January 1, 2021, the moratorium on geographic transfer of fireworks manufacturer and wholesaler licenses, and, beginning July 1, 2020, to impose a fee on the retail sale of consumer grade fireworks in this state and to expand the ability of individuals to obtain 1.3G display fireworks and obtain and use 1.4G consumer fireworks. (2nd Hearing-Proponent)
- SB 239** **REGIONAL GOVERNMENT COUNCILS (Dolan, M.)** To modify the law concerning regional councils of governments. (3rd Hearing-Opponent)

Agency Calendar

Board of Building Appeals, Division of Industrial Compliance, 6606 Tussing Road,
Training Room 1, Reynoldsburg, 8:30 a.m.

Event Planner

State Auditor Dave Yost and GOP lawmakers news conference on Medicaid compliance, Press Briefing Rm., Statehouse, Columbus, 10 a.m.

Ohio Lobbying Association Annual Meeting & Legislative Reception, Sheraton Columbus at Capital Square, 75 E. State St., Columbus, 4 p.m., (4:00 pm - Annual Meeting for OLA Members; 5:00 pm - Legislative Reception. More info and to register: http://bit.ly/2018_OLA_AM)

Rep. Glenn Holmes (D-McDonald) fundraiser, Westies Gastropub, 940 S. Front Street, Columbus, 5:30 p.m., (Sponsor \$1,000, Host \$500, Friend \$250 to Committee to Elect Glenn Holmes. RSVP with Jenna Gravalis at 551-427-9895 or jgravalis@ohiodems.org)

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Senate Activity for Monday, February 26, 2018

INTRODUCED

SB 266 ■ **CAPITAL APPROPRIATIONS (Oelslager, S.)** To make capital appropriations and changes to the law governing capital projects and to make reappropriations for the biennium ending June 30, 2020.

Gongwer Coverage

SB 267 ■ **SOLICITING (Brown, E., Kunze, S.)** To increase the penalty for soliciting when the person solicited is eighteen years of age or older, to specify that the fine for soliciting in this circumstance is not more than two thousand five hundred dollars, and to specify that up to one thousand dollars of that fine may be deposited into the Victims of Human Trafficking Fund. Am. 2907.24 and 5101.87

SENATE PRESIDENT'S APPOINTMENTS

Joint Education Oversight Committee: Senator Gayle Manning as chair .

DELIVERED TO THE GOVERNOR

SB 144 ■ **DISABILITIES COUNCIL (Burke, D.)** To abolish the Opportunities for Ohioans with Disabilities Commission, Consumer Advisory Committee, and Governor's Council on People with Disabilities; to establish a state rehabilitation services council known as the Opportunities for Ohioans with Disabilities Council; and to restore staggered terms of office for the employee members representing firefighters on the board of trustees of the Ohio Police and Fire Pension Fund.

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Jon Reed, Staff Writers

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House Activity for Monday, February 26, 2018

INTRODUCED

HB 526 ■ **SCHOOL SAFETY** (DeVitis, T., Sweeney, M.) To authorize a public or chartered nonpublic school to enter into an agreement with a volunteer law enforcement officer to patrol school premises to prevent or respond to a mass casualty event, to provide the parties with a qualified immunity from civil liability, and to provide a tax credit for volunteer service. Am. 5747.08 and 5747.98 and to enact sections 3313.94 and 5747.64

HB 527 ■ **VISITATION RIGHTS** (LaTourette, S.) To allow certain specified persons to petition the probate court for reasonable visitation with an incompetent or ward if visitation between the person and the incompetent or ward has been interfered with or denied. Am. 2111.132

HB 528 ■ **CORPSE ABUSE** (Smith, R., Rezabek, J.) To expand the penalties for abuse of corpse offenses. Am. 2927.01 and 2929.13

HB 529 ■ **CAPITAL APPROPRIATIONS** (Ryan, S.) To make capital appropriations and changes to the law governing capital projects and to make reappropriations for the biennium ending June 30, 2020. Am. 164.05
Gongwer Coverage

HOUSE SPEAKER'S APPOINTMENTS

Insurance Committee: Remove Representative LaTourette; appoint Representative Lang.

DELIVERED TO THE GOVERNOR

HB 45 ■ **MONTH DESIGNATION** (Sprague, R.) To designate May as "Neurofibromatosis Awareness Month."

HB 79 ■ **FIREARMS TRAINING** (Retherford, W., Hagan, C.) To provide for firearms training for tactical medical professionals; to permit such a professional who has received that training and has been authorized by the law enforcement

agency to carry firearms while on duty; and to grant such a professional the same right to carry a concealed handgun in this state as a concealed handgun licensee.

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Volume #87, Report #38 -- Monday, February 26, 2018

\$2.62 Billion Capital Budget Prioritizes Projects To Address Opiate Addiction, Related Issues

The General Assembly is doubling its prior financial commitments for behavioral and mental health infrastructure in the capital appropriations budget that was introduced Monday.

The bill includes \$2.62 billion in new spending on bricks-and-mortar projects as well as a yet-to-be-disclosed amount of reappropriations for ongoing capital projects approved in prior biennia. The bill covers spending in Fiscal Years 2019-2020.

Companion House and Senate measures (HB 529 & SB 266) allocate \$222 million for health and human services, developmental disabilities, mental health, addiction treatment and women's health initiative facilities over the next two fiscal years.

The fast-tracked budget, which will receive first hearings in both chambers on Tuesday, also includes \$150 million in community projects - \$20 million more than the original funding target - \$600 million for school facilities, \$514 million for local infrastructure projects and \$483 million for public colleges and universities.

The state will issue bonds to fund the spending.

The expanded health and human services support funding was added in response to the growing impact of the opiate epidemic, Senate President Larry Obhof (R-Medina) said.

"So where in the prior budgets you may have seen a few of these pop up, I think it's on the minds of a lot of people and we all recognize that these are some of the more important issues facing the state of Ohio and these are some of the things we chose to prioritize."

Some of the projects set to receive a chunk of the \$222 million are Alvis House and Maryhaven in Columbus, President Obhof said. The respective \$300,000 and \$125,000 projects would add about 260 additional treatment beds for addicts in Franklin County.

"We see these things throughout the state and not just in Franklin County, in Cuyahoga and Hamilton counties but in some of rural areas as well," Sen. Obhof said. "There are number of requests that are being funded from members throughout the state of Ohio for things like that."

Of the total allocation for such infrastructure plans, \$20 million will be provided through competitive grants, which were proposed by Gov. John Kasich. (See Gongwer Ohio Report, February 12, 2018)

So-called community resiliency projects that focus on expanding spaces for youth programming would receive the funding, said Senate Finance Committee Chairman Scott Oelslager (R-N. Canton). The Department of Mental Health and Addiction Services and local groups will likely select the recipients.

"We recognize the need there and listened very carefully to the community," he said of the funding dedicated to combatting the opiate epidemic and related issues.

While that area of the budget saw a boost, overall capital appropriations shrunk by about \$10 million from the last budget, Sen. Obhof said. He's hopeful, however, that it will have a similar reach.

"We think that due to sound fiscal management and the hard work we put in in the main operating budget last year, we do have the capacity for the bonding and the funding of various projects throughout the state that you see in the bill," he told reporters after the legislation was introduced.

Leaders of both parties in each chamber worked together to iron out the details prior to the measure's introduction Monday, making it ripe for quick passage.

President Obhof said he expects a Senate vote on the House version - which will serve as the vehicle for the budget - in the week before spring break, which is set to begin in late March.

Local projects were brought forward by individual members for consideration while community colleges and universities created their own priority funding packages. (See Gongwer Ohio Report, November 22, 2017)

"This capital budget will give the legislature a tremendous opportunity to address several infrastructure and construction projects that will generate a positive return on investment for communities all across the state," Speaker Cliff Rosenberger (R-Clarksville) said in a statement. "I want to commend the members of the legislature and local leaders for their collaboration and commitment to helping improve the lives of so many Ohioans through this legislation."

The capital budget has historically drawn bipartisan support as lawmakers look to support money funneled to projects in their communities. That trend is expected to continue this year.

"As legislators, we review capital budget applications, meet with individuals and organizations and visit project sites. You can't help but become passionate about what we can do to invest in Ohio's infrastructure and improve the community," Senate Minority Leader Kenny Yuko (D-Richmond Heights) said. "Although it's unfortunate that we can't fund every much-needed community project that comes to our attention, I am happy with the progress that will be made through the capital budget."

If the capital bill process follows those of prior years, no major changes will occur during deliberations unless there are problems with the bill. The last several capital budgets passed with few if any amendments once they were introduced.

Cardinal Health Among Drug Distributors Targeted In Latest DeWine Opioid Suit

Attorney General Mike DeWine on Monday announced that he has filed a lawsuit against four drug distributors for their role in the opioid epidemic.

The lawsuit, filed in Madison County Common Pleas Court, alleges that the drug distributors were negligent in over-supplying addictive opioid prescription drugs.

"We believe the evidence will show that these companies ignored their duties as drug distributors to ensure that opioids were not being diverted for improper use. They knew the amount of opioids allowed to flow into Ohio far exceeded what could be consumed for medically-necessary purposes, but they did nothing to stop it," AG Mike DeWine said in a statement.

"And much like the drug manufacturers who continue to fail to do the right thing, these distributors are doing precious little to take responsibility for their actions and help pay for the damage they have caused."

Named in the lawsuit are McKesson Corporation, Cardinal Health and its subsidiaries, AmerisourceBergen Drug Corporation and Miami-Luken, Inc.

Cardinal Health in a statement said it has been cooperating to "alleviate the public health crisis and save lives" through a multi-state effort led by 40 attorneys general and a multi-jurisdictional effort in Cleveland.

"We are extremely disappointed that Attorney General DeWine chose to go outside of these established processes at this critical moment in time to file this unfounded lawsuit," the company said in a statement.

The company went on to say that it cares deeply about the opioid epidemic and that there must be work toward meaningful solutions.

"This is why we launched our Opioid Action Program which augments our substantial efforts to combat opioid abuse and is providing funds and support for take back efforts, Narcan giveaways for first responders, and grants for communities looking to find holistic solutions to this public health issue throughout Ohio," it said.

"Cardinal Health has made a significant investment in state-of-the-art controls to effectively combat the diversion of pain medications from legitimate uses. We believe this kind of effort and investment, and not baseless litigation, is the way to alleviate this problem."

The lawsuit alleges that the companies fueled the opioid epidemic by distributing enough of the drugs to fill more than 11.8 million prescriptions from 2011 to 2016, amounting to dosages that averaged more than 739 million each year.

The drug epidemic has resulted in annual damages in excess of \$1 billion, the lawsuit alleges. Those costs include medical care; treatment for infants born with opioid-related medical conditions; public safety measures; substance abuse prevention; and welfare and social services for the children of addicted parents.

The lawsuit also alleges that more than 7,000 Ohioans have died due to the opioid crisis.

The companies "have supplied and continue to supply quantities of prescription opioids in and around Ohio without taking proper measures based on their actual or constructive knowledge that individuals were consuming opioids for non-medical purposes," the lawsuit reads.

Among the remedies Mr. DeWine is seeking are punitive and compensatory damages.

This marks the second lawsuit the AG has filed against drug companies over the opioid crisis. (See Gongwer Ohio Report, May 31, 2017)

Nearly \$29M In State IT Funding Clears Controlling Board

Controlling Board members Monday approved more funding for state information technology projects after raising questions about performance-based contracts and the state's savings from consolidating services.

The requests from the Department of Administrative Services included one worth nearly \$24.8 million for the state's main IT services delivery line item, which has increased over the years due to the consolidation, DAS Chief Financial Officer Jennifer Leymaster told the board.

The other request, for \$4.4 million, dealt specifically with a pair of projects involving nine agencies, she said.

Rep. Scott Ryan (R-Newark) asked if the state's IT contracts have performance clauses for the timing of delivery or for the accountability of functions.

The request Monday didn't deal with specific contracts, just the appropriation changes needed to cover contract costs, Ms. Leymaster said.

"We'd be happy to see if individual contracts have the type of controls that you're asking about," she said.

Ms. Leymaster told Sen. Charleta B. Tavares (D-Columbus) that the projects are part of a broader optimization project that has saved the state more than \$160 million since its inception.

The board also approved two significant funding requests from the Development Services Agency to support affordable housing after Sen. Bill Coley (R-Liberty Twp.) asked about cost containment measures and access for people with disabilities.

The requests included \$13.6 million for the Ohio Housing Finance Agency to administer the Housing Development Assistance Program, and \$5.5 million for housing assistance programs across the state.

Kelan Craig, director of planning, preservation and development at the Ohio Housing Finance Agency, said the administration has worked to ensure projects are done effectively at low cost.

As for accessibility for people with disabilities, there are specific requirements for projects targeted at seniors and for permanent supportive housing developments, but not for standard affordable housing, he said.

"Let's just watch that and make sure we don't have a problem with that," Sen. Coley said.

A request by the Department of Mental Health and Addiction Services for \$1.1 million to replace the emergency generator at Appalachian Behavioral Healthcare in Athens was approved after Sen. Coley asked about the hospital's involvement in plans to participate in peak demand emergency programs.

Stephen Wilson, legislative liaison for ODMHAS, said the state found it would only save a couple thousand dollars to participate in the utility's peak demand program, while placing strict requirements on hospital staff.

Sen. Coley said the programs can help other facilities, such as industries and schools, when the power goes down.

"Hospitals around the state are finding great benefits to these programs," he said.

In total, the board approved 82 requests for funding.

Other items approved included: (Agenda)

- \$2.9 million - Central State University - for repair and modernization of the Hallie Q. Brown Memorial Library.
- \$11.7 million - Cleveland State University - to contract for an addition project at Fenn Hall.

- \$1.9 million - Cuyahoga Community College - to buy 12.82 acres of real estate in Euclid for the expansion of the Transportation, Distribution and Logistics Academy.
- \$1 million - Adjutant General's Department - for masonry renovation and HVAC work at the Hamilton Readiness Center in Butler County.
- \$4.6 million - DAS - for administration of the Multi-Agency Radio Communication System.
- \$2.3 million - Department of Agriculture - for lab supplies and equipment.
- \$1.1 million - Department of Mental Health & Addiction Services - for emergency generator replacement at Appalachian Behavioral Healthcare in Athens.
- \$1.6 million - Bureau of Motor Vehicles - for federal grants to purchase and install document scanners and update existing computer systems to confirm commercial driver's license applicants provided proof of citizenship or permanent residency.
- \$10.5 million - Facilities Construction Commission - for master facilities plan amendments from Elida Local School District and Bloom-Carroll Local School District.

Adult Charge Stemming From Juvenile Conviction Challenged At High Court

Can a juvenile adjudication be used to satisfy an element of a crime committed as an adult?

Anthony Carnes will argue that it can't in a case the Ohio Supreme Court is set to hear Tuesday.

Mr. Carnes was charged with a third-degree felony offense of weapon-under-disability based on a 1994 juvenile adjudication. He moved to have the charge dismissed, but the trial court denied his motion.

The First District Court of Appeals upheld the trial court's decision. But Mr. Carnes argued that both court erred in their decisions.

"Simply put, juvenile adjudications are not criminal convictions and should not be viewed as such. This conclusion is reinforced by the fact that Ohio's juvenile system uses two different approaches, one mandatory and one discretionary, to transfer its most severe offenders into the adult system, and has a process to include an adult sentence with a juvenile rehabilitation for the next most serious level of offenders," his merit brief reads.

"In line with that approach, this court has prohibited juvenile adjudications from increasing punishment for subsequent adult conduct. Given that framework, it is incongruous for such adjudications to be permitted to turn what would otherwise be lawful conduct into a crime. Thus, a juvenile adjudication should not be deemed to meet an element of an offense charged against an adult."

The Juvenile Law Center and the Buckeye Firearms Association both weighed in on the case on behalf of Mr. Carnes.

"Individuals with Ohio juvenile adjudications do not fit into the long standing prohibition on the possession of firearms by felons because they simply are not felons by definition," the BFA wrote in its amicus brief.

The state, however, argues that a juvenile adjudication cannot be used to enhance a penalty, but it can be used as an element of a crime. The state also contends that if the court were to side with Mr. Carnes it would gut the state's law prohibiting the possession of a weapon under disability.

Under the law, "there are multiple means of being placed under a disability that do not include the right to a jury trial: being a fugitive from justice, being under indictment for a felony offense of violence, being under indictment for a felony drug offense, being drug dependent or in danger of drug dependence, being a chronic alcoholic, and being adjudicated mentally incompetent. Just as is the case with a juvenile adjudication, none of those situations carries a right to a jury trial - state," the state writes.

The Cuyahoga County Prosecutor's Office has also asked the court to affirm the First District ruling.

"Persons who commit violent felony offenses are considered bad risks who should not be allowed to legally possess a firearm. The fact that a person who commits the violent felony offense as a juvenile does not make that person any less of a bad risk," it wrote in an amicus brief.

"But Ohio's weapons disability law recognizes that people can turn their lives around and become law-abiding citizens after committing a single indiscretion or even after committing a series of crimes decades ago. That person can legally possess a firearm after following the appropriate statutory remedy; but until that time, the person should not be able to possess a firearm under Ohio law."

Three district court judges will be involved in the case because Justice Sharron Kennedy, Justice Patrick Fischer and Justice Patrick DeWine have recused themselves.

Justice DeWine concurred in judgement only with the First District's opinion upholding the trial court's decision to deny the motion to dismiss the charge.

The high court is set to hear two other cases Tuesday, it reported:

- In *Ohio Bureau of Workers' Compensation v. Cirino*, it will hear a case involving a Bureau of Workers' compensation beneficiary challenging the electronic payment program because he is charged fees by his bank. The state argues the case must be filed in the Court of Claims.
- A Columbus attorney is facing a six-month stayed suspension for failure to keep and maintain required financial records in the case of *Columbus Bar Association v. Keating*.

Ohio Groups Debate Trump's Short-Term Health Plan Proposal

A Trump administration proposal to expand options for short-term health insurance is designed to give consumers more options in the marketplace without the regulatory burden of current plans.

Opponents say it could lead to more limited coverage and raise premiums for people on standard exchange plans.

The proposal by the federal Centers for Medicare and Medicaid Services, announced last week, would allow short-term, limited-duration health insurance plans to provide coverage for up to 12 months, up from the current maximum of three months.

These plans are not required to meet the federal requirements for individual health insurance, such as providing essential health benefits or coverage for people with pre-existing conditions.

"In a market that is experiencing double-digit rate increases, allowing short-term, limited-duration insurance to cover longer periods gives Americans options and could be the difference between someone getting coverage or going without coverage at all," CMS Administrator Seema Verma said in a statement.

In Ohio, the move will provide more competition in the marketplace for health insurance, said Greg Lawson, research fellow at the Buckeye Institute.

"It's not going to be a perfect fit for everybody, but for those individuals that it works for, this could be something that could work for you, and it would be a cheaper alternative than being forced into the exchange," he said in an interview.

Critics say the change will erode coverage for people who sign up for the short-term plans and drive up premiums for those who need the more comprehensive coverage of Affordable Care Act-compliant plans.

"These short-term plans are likely to be harmful in the long run," said Steven Wagner, executive director of UHCAN Ohio. "Since they may lack meaningful coverage, people may find that their health care costs are not covered or face substantial out of pocket costs. These plans are a step in the wrong direction."

A report by the Urban Institute estimated the change would lead to an increase of 2.5 million people without minimum essential health care coverage by 2019, and an increase of 18.2% in 2019 premiums for ACA-compliant nongroup insurance plans.

The changes would allow people to shop around for the coverage they want, Mr. Lawson said. The Buckeye Institute and others have criticized the ACA exchanges for placing burdensome regulations on insurers and raising premiums.

"In general, what this will allow is you can have more barebones type policies that are more affordable," he said. "I don't think this is necessarily the pathway that we would prefer to see on a permanent basis but given the fact that the affordable care act is still the law of the land, this does give some breathing space."

Mr. Wagner said those requirements ensure people have comprehensive insurance coverage. He called the latest change part of an effort to eliminate coverage requirements created under the ACA.

"The Trump Administration is eating away at the foundations of health care coverage like termites in the foundation," he said. "This change along w the ability to alter the essential health benefits weakens people's access to quality affordable health care."

Travel Trailer Maker Tops List Of Tax Credits Issued By State Panel

The Tax Credit Authority on Monday approved incentives for four projects that promise to create a total of 475 jobs and retain another 1,405 positions, the Development Services Agency reported.

The \$2.81 million in tax credits, an estimate that depends on the companies meeting their hiring goals and other criteria, are projected to help trigger \$41 million in investments and result in more than \$24 million in new payroll, according to the state.

Topping the list in terms of impacted jobs and tax credit value is the \$2.325 million incentive for **Airstream, Inc.** in the Village of Jackson Center in Shelby County.

The designer and manufacturer of travel trailers and touring coaches expects to create 280 full-time positions generating \$14.8 million in new payroll while retaining \$57.2 million in payroll with its expansion project. The TCA approved a 1.874%, nine-year Job Creation Tax Credit for the plans.

The other approved projects (estimated tax credit values) are:

Sedgwick Claims Management Services, Inc. of Hilliard (Franklin Co.). The provider of claims, productivity, managed care, risk consulting and other services expects to create 109 full-time positions generating \$4.3 million in new payroll while retaining \$13.4 million in payroll. The expansion plans attracted a tax credit of 1.31% over seven years (\$400,000).

Veeva Systems Inc. of Dublin (Franklin Co.) plans 46 new jobs, \$3.5 million in new payroll and the retention of \$2.1 million in payroll with its expansion. TCA awarded a 1.62%, seven-year tax credit for the project (\$355,000).

Modular Assembly Innovations LLC of Allen Township (Union Co.), which plans 40 new jobs, \$1.4 million in new payroll and the retention of \$7.6 million in payroll. The provider of manufacturing and modular assembly services to the automotive industry was awarded a 1.055%, six-year JCTC (\$90,000).

Kasich Declares Emergency As Flood Risks Continue

Two days after Gov. John Kasich declared a state of emergency in 17 counties, areas of Ohio are continuing to grapple with flooding.

On Saturday, the governor issued his emergency declaration in the face of flooding - particularly along the Ohio River, which was expected to crest Monday.

Although rains have stopped, flood waters linger in some areas, closing roads and posing ongoing safety risks. The National Weather Service has said flood warnings are expected to persist for several more days in the central U.S. as "numerous river systems will remain in flood stage this week."

"As the weather and flooding is expected to get worse we're staying ahead of things by taking our readiness up to the next level and declaring an emergency where we expect the worst conditions," Gov. Kasich said over the weekend. "We'll quickly add to those areas as it's needed."

Counties affected by the proclamation include: Adams, Athens, Belmont, Brown, Clermont, Columbiana, Gallia, Hamilton, Hocking, Jackson, Jefferson, Lawrence, Monroe, Meigs, Muskingum, Scioto and Washington.

The state's Emergency Operations Center had been preparing for this round of flooding since at least Feb. 18. That's the day the Ohio EMA Watch Office began providing regular awareness reports multiple times a day to state, local and federal agencies.

In recent days meals have been provided to the elderly by the Department of Aging, emergency management liaisons have been dispatched to assist county-level operations centers, and swift water rescue teams have been positioned.

"Ohioans do a good job of looking out for each other and we're doing it again now also," Gov. Kasich said. "Teams at the local level are hard at work and state teams have been coordinating with them and supporting them over the past week."

Following the Kasich order, the EMA transitioned from assessment and monitoring to partial activation and the state's Joint Information Center was opened. That followed Ohio National Guard deployments to help install flood gates and a flood wall in Scioto County.

In recent days, state entities have assisted in providing sand bags and a water pump to communities in Lawrence County. A major rockslide on Monday closed a portion of a highway in that county, according to the Ohio Department of Transportation. State geologists were on the scene.

"I urge people to stay safe by staying informed, not taking any chances and checking in on your neighbors, especially seniors and families with young kids," the governor said. "Call your local city, county or Red Cross if there's anyone who needs help. We'll get through this as we always do, by working together."

At the same time, Attorney General Mike DeWine has issued several tips to steer residents away from flood-related scams that may arise.

"As people across Ohio assess the damage and start the clean-up process, we're reminding consumers to beware of scams," Mr. DeWine said. "Some con artists travel to affected communities to take advantage of people. They offer to help, but once they get your money, they're gone. After the flooding, we also could start to see flood-damaged vehicles entering the market. We just warn people to be careful."

Cyberattack Temporarily Shuts Down State Websites, Phones

The Department of Administrative Services is making modifications after a cyberattack blocked state websites and phone systems for multiple hours Sunday evening.

DAS spokesman Tom Hoyt said the attack was launched shortly after 5:30 p.m. Sunday and "was addressed quickly and remediated at approximately 9:50 p.m."

"It was not a breach - no personal information was compromised," Mr. Hoyt said.

Several accounts seemingly affiliated with the so-called "hacktivist" group Anonymous appear to be taking credit for the attack on social media. Anonymous-linked users posted screenshots showing error pages that appeared when trying to access state websites.

The attack was a denial-of-service attack, which is a concerted effort in which users bombard a targeted system with requests, thereby overloading and disabling it for legitimate users.

"The attack itself was educational in the sense that we now know how this type of attack is done and we can put in filters and prepare to help us be ready if it happens again," Mr. Hoyt said. This is the first time DAS has grappled with this specific method of a denial-of-service attack.

"These types of attacks can be done in different ways so we're aware of them and prepare for them," Mr. Hoyt said. "This was conducted in a different way, but once you go through that, you learn how it's done and we can prepare for the next time."

It's not the first time the state has been faced with a cyberattack.

Nearly a dozen state websites were impacted last year after hackers posted pro-ISIS messages on state homepages. That "internet graffiti-style" attack, however, was believed to be surface-level in nature with hackers not accessing the state's servers. (See Gongwer Ohio Report, June 26, 2017)

Environmental Group Calls For Setback, Chemical Reporting Changes Following Well Fire

The Ohio Environmental Council is pointing to a Feb. 15 explosion and fire at a Belmont County oil well as new evidence pointing to the need for increased well setbacks.

But a leading oil and gas group is accusing the council of seeking to block industry development with its latest call for new legislation.

A horizontal well operated by XTO caught fire earlier this month, causing explosions and leading to the evacuation of residents within a one mile perimeter as the well continued to leak methane and other gasses.

XTO has said it has contracted with various companies to monitor the area and oversee cleanup operations. It has also paid to house 100 households who were displaced. Those residing beyond a half mile from the site have since been moved back into their homes.

The OEC said the incident is a "wake up call" demonstrating a need to strengthen Ohio's current law requiring horizontal wells to be located at least 100 feet from rural homes.

"What this incident demonstrates is that Ohio's current setback laws for horizontal oil and gas wells are clearly insufficient and do very little to protect communities from this new wave of oil and gas development," said Melanie Houston, director of climate programs at the Ohio Environmental Council. "Given the frequency of horizontal well pad incidents in Ohio over the past five years, it is past time for Ohio lawmakers to reconsider a safer setback distance."

The group said the incident also shows the need to examine laws requiring well operators to disclose hazardous chemicals to emergency responders. That debate was a point of contention during budget talks last year. (See Gongwer Ohio Report, April 14, 2017)

"State lawmakers also must close the chemical reporting loophole in Ohio law to make sure that first responders such as those responding to last week's incident can get the full accounting of chemical identities during oil and gas emergencies," Ms. Houston said.

The Ohio Oil and Gas Association, however, said 2012 legislation in that arena "created one of the most stringent regulatory programs for chemical disclosure in the nation."

That bill (SB315, 129th General Assembly) was a far-reaching energy mid-biennium review measure that strengthened requirements. But Democrats and environmental groups at the time said it didn't go far enough with its chemical disclosure provisions. (See Gongwer Ohio Report, May 24, 2012)

"The bill required chemical disclosure to all first responders, providing access to the information that they need and allowed (the Ohio Department of Natural Resources) to ask for additional chemical information when there is an incident," said Matt Hammond, OOGA's senior vice president.

As far as the idea of increased setbacks, the organization accused OEC and its allies of attempting to use a setback increase to snuff out oil and gas development.

"We have all heard the calls for increased setback distances since 2003 and found that environmental groups have supported setback distances for the sole purpose to offend the property rights of landowners and effectively block oil and gas development," Mr. Hammond said.

Schiavoni, Williams Plan Firearm Removal Bill; Yost Unveils School Safety Plan; High Court Hears Janus Case; Kucinich Continues Gun Push...

Sen. Joe Schiavoni (D-Boardman) and Sen. Sandra Williams (D-Cleveland) on Monday announced their intention to introduce a bill allowing for the removal of firearms from people deemed to be an imminent danger to themselves or others.

The proposal would establish an Extreme Risk Protection Order that would allow family or law enforcement to ask a court to temporarily remove firearms for up to one year.

"Family members are often the first to know when a loved one starts showing signs that they're dangerous to themselves or people around them," Sen. Schiavoni, a Democratic gubernatorial candidate, said in a statement. "Sadly, there aren't many options available to be proactive, remove weapons and prevent those moments from becoming tragedies. This bill is common sense. It provides a clear process when loved ones notice those red flags."

Five other states have similar laws. In announcing the intention to introduce the measure, the lawmakers cited Gov. John Kasich, who in a recent television interview expressed support for ERPOs.

"I am pleased to see the conversation turn and the mood shift toward sensible gun safety measures in Ohio," Sen. Williams said. "I'm also pleased to see Gov. Kasich supporting efforts to combat gun violence. We know how to reduce gun violence in America while still respecting the Second Amendment. This bill is a step forward in that direction."

School Safety: State Auditor Dave Yost on Monday rolled out a three-point school safety plan centered on securing buildings.

The attorney general hopeful's plan calls for a statewide inventory of security measures at all 5,200 school buildings across the state and a bond-backed program to modify them to create a single point of entry, install electronic zoned locking systems and add video cameras.

The final piece of the plan calls for the establishment of a training program for school staff volunteers with prior military or law enforcement experience.

"We need to protect our kids at school at least as well as we protect our politicians at work," Auditor Yost said in a statement. "This program takes the same proven tactics and technology we use in government offices-and many private businesses-and puts them to work in our schools, where our greatest treasures are."

Janus Case: A day ahead of the U.S. Supreme Court hearing oral arguments in a case that could have far-reaching implications for public sector unions, hundreds gathered on the Statehouse lawn for the "Working People's Day of Action."

The event also comes in the wake of six pieces of legislation introduced in Ohio to revise collective bargaining laws.

"The Ohio Legislative Black Caucus stands in solidarity with labor and working people," Ohio Legislative Black Caucus President and Rep. Stephanie Howse (D-Cleveland) said in a statement. "Right to Work is wrong and has no place in the state of Ohio. Fair labor practices, equitable pay, representation in the workplace and building power through unity are essential to making Ohio stronger, and should be a guaranteed right to all who are willing to work."

Buckeye Institute President Robert Alt said the questioning by Justice Anthony Kennedy during oral arguments should leave union supporters concerned.

"Given how frequently Justice Kennedy is in the majority, his questions have to be a cause of concern for those seeking to continue the practice of forcing public servants to pay for union speech with which they may disagree," he said.

Gun Control: The gubernatorial campaign of Dennis Kucinich continues to put gun control in the spotlight.

In the latest move, Mr. Kucinich's running mate, Akron City Councilwoman Tara Samples, plans to introduce a measure to urge state lawmakers to pass a ban on assault weapons.

"Dennis and I, with the help of more than 2,000 grassroots volunteers, are working to convince every city council and every board of education all across Ohio to support getting these killing machines off our streets," she said in a statement. "I couldn't be more proud that my own community is about to become the first in Ohio to take this step."

New Polling: A Suffolk University/*USA Today* poll released Monday found strong support for additional gun restrictions, including 63% of respondents who want semi-automatic weapons banned.

Another 76% said that people treated for mental illness should be banned from owning firearms and 61% said stronger gun control law and background checks could prevent more mass shootings.

The poll also found that 62% believe schools should be required to have metal detectors and 58% believe there should be a requirement that schools have a armed police officer stationed on campus.

However, just 19% believe the prospects of Congress passing gun-control measures are good to excellent and 25% believe there is a fair chance for legislative action. Another 51% said the chances are poor.

"Voters see a Congress that is deaf to their wishes about remedying gun violence in the United States," said David Paleologos, director of the Suffolk University Political Research Center in Boston

The nationwide survey of 1,000 individuals, which has a margin of error of 3%, also found that President Donald Trump's approval rating stands at 38%, down from 47% one year ago.

"President Trump's job performance ratings have had several ups and downs in the past year, with last March's relatively strong showing coming in the aftermath of a well-received speech to Congress," Mr. Paleologos said. "The bump he got after signing the tax bill in December appears to have been overwhelmed in light of young people challenging him on gun issues and the investigation of Russian meddling in U.S elections."

ODP Training: The Ohio Democratic Party announced Monday that more than 110 candidates took part in its "Main Street Initiative," which provides training and support to candidates.

"What Democrats are seeing nationally, we're seeing here in Ohio, too - the unprecedented energy and enthusiasm of the grassroots is turning into record numbers of Democratic candidates running in races up and down the ballot," ODP Chairman David Pepper said in a statement. "We're proud to support our state and local candidates when they run for office, as we build our bench of great public servants. We look forward to working with our 2018 'Main Street' candidates from now through Election Day and then touting their successes once they're in office."

Governor's Appointments

State Auctioneers Commission: Theresa M. Blocher of Paris for a term beginning February 26, 2018, and ending October 9, 2020.

Board of Nursing: Lauralee S. Krabill of Sandusky and Patricia A. Sharpnack of Chardon for terms beginning February 26, 2018, and ending December 31, 2021

Supplemental Event Planner

Monday, March 5

One Ohio Now news conference on state data ahead of the State of the State Address, Ladies Gallery, Statehouse, Columbus, 1 p.m.

Wednesday, March 7

Rep. Martin J. Sweeney (D-Cleveland) fundraiser, Dempsey's, 346 S. High St., Columbus, 5:30 p.m., (Marty, We Love You; \$1,000-\$5,000; Best Buddy; \$500; Good Pal; \$100 Friend: \$25 to Friends of Martin J. Sweeney)

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Columbus Ohio 43215

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Scott Miller, President | Kent Cahlander, Editor | Melissa Dilley, Mike Livingston, Dustin Ensinger, Jon Reed, Staff Writers

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PUBLIC POLICY

Tuesday, February 27, 2018

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= 9 TOP NEWS

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High Court Won't Review DACA; Program Remains For Now

The U.S. Supreme Court on Monday denied the Trump administration's bid for it to leapfrog over the Ninth Circuit and review a California federal court's order that temporarily paused a move to end the Deferred Action for Childhood Arrivals program. [Read more »](#)

Lawsuit Over Trump's 2-For-1 Regulation Order Tossed

A D.C. federal judge tossed out a complaint Monday from public interest groups fighting President Donald Trump's executive order to repeal two federal regulations for each new one issued, ruling the groups had failed to show how the order would harm them. [Read more »](#)



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LAW FIRMS

Fla. Lawmakers OK Gun Bill, But Not Assault Weapons Ban

After hearing impassioned pleas from survivors of the Feb. 14 mass shooting at Marjory Stoneman Douglas High School, a Florida Senate committee advanced a bill Monday to enhance gun control and school safety that includes a provision raising the minimum age for all gun purchases to 21, but falls short of students' demands for an assault weapons ban. Read more = 2

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DOT Extends 'Quiet Car' Rule Deadline For Electrics, Hybrids

The U.S. Department of Transportation on Monday finalized a new rule requiring hybrid and electric vehicles to meet certain sound standards to alert pedestrians, bicyclists and other motorists that they're approaching, extending the deadline to phase in the new mandate by one year. Read more »

Fed Not Looking To Relax Bank Regulations, Top Official Says

The Federal Reserve Board will continue seeking to provide more transparency on its "stress tests" that gauge whether big banks have sufficient cash to absorb major economic hits, but it does not intend to relax capital requirements and other key regulations put in place after the Great Recession, Fed Vice Chair Randal Quarles said Monday in Washington, D.C. Read more »

BANKING & SECURITIES

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Analysis

Focus Tightening On Debate Over Banning Post-IPO Suits

The idea of forcing shareholders in IPO-related investor suits into arbitration has garnered increased attention in recent days, with the SEC's investor advocate saying it's a "draconian" measure that would deny

Altshuler Berzon
Andrews Kurth Kenyon
Baker McKenzie
Barclay Damon
Barrera Legal Group
Berwin Leighton Paisner
Bryan Cave
Chiesa Shahinian
Cooley
Cotchett Pitre
Covington & Burling
Davis Polk
Dechert
Earthjustice
Eversheds Sutherland
Ganfer & Shore
Gianni Origoni
Gibson Dunn
Goldberg Segalla
Goldenberg Mackler

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Hunton & Williams
Javerbaum Wurgaft
Jenner & Block
Kelley Drye
Littler Mendelson
Littman Krooks
Salon Marrow

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Womble Bond Dickinson
Zelle LLP

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COMPANIES

Amazon.com Inc.
American Bar Association
American Civil Liberties Union
American Enterprise Institute

investors the right to class action claims and one legal expert predicting the issue may have to be decided at the Supreme Court. Read more »

Beirut Victims' Kin Fight Bank's Bid To Stay Terrorism Case

The families of the American service members killed in the 1983 U.S. Marine Corps barracks bombing in Beirut, Lebanon, have hit back at Clearstream Banking SA's bid to stay a ruling allowing them to pursue it for \$1.68 billion linked to Iran while the bank considers a high court appeal, telling the Second Circuit that there was no legal basis for a stay. Read more »

ENERGY & ENVIRONMENTAL

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High Court Won't Hear Challenge To EPA Water Transfer Rule

In a defeat for several states and environmental groups, the U.S. Supreme Court said Monday it won't hear appeals of a Second Circuit ruling that upheld a U.S. Environmental Protection Agency rule exempting some water transfers from Clean Water Act review. Read more = 2

HEALTH & LIFE SCIENCES

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20 AGs Sue To Toss What's Left Of Obamacare

A 20-state coalition filed suit in Texas federal court Monday seeking to put a final end to the Affordable Care Act, saying since the Trump administration eliminated the individual mandate penalty, the law's remainder "must fall," including requirements for minimum benefits and state insurance exchanges. Read more »

Ex-Jets Player Loses Pot Decriminalization Suit

American Federation of State, County and Municipal Employees
Apple Inc.

Association of Corporate Counsel
Cagle's, Inc

Communications Workers of America

Competitive Enterprise Institute
Delta Air Lines Inc.

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Global Automakers

Honda Motor Co. Ltd.

LexisNexis Group

Lyft Inc.

Major Lindsey & Africa

NFL Enterprises LLC

National Rifle Association of America

Natural Resources Defense Council

Nissan Motor Company

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Public Citizen Inc.

Reed Elsevier

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Regents of the University of California

Riverkeeper Inc.

Safeco

Service Employees International Union

Starbucks Corporation

State Farm

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Tax Foundation

The Center for Immigration Studies

Twilio Inc.

Twitter Inc.

United Services Automobile Association

A New York federal judge on Monday dismissed a former NFL star's suit demanding decriminalization of medical marijuana, saying the Second Circuit has already determined that Congress had a rational basis to classify marijuana as a Schedule I drug. [Read more »](#)

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House Passes Health Care Research, Outreach Bills

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The House of Representatives passed a series of bills increasing funding for research on congenital heart disease and sickle cell disease Monday, as well as increasing grants for dental care in rural and other underserved areas. [Read more »](#)

TRANSPORTATION & INFRASTRUCTURE

NJ Senate Passes Bill To Extend Business-Friendly Zones

The New Jersey Senate passed a bill Monday that would extend urban enterprise zone designations — providing reduced sales taxes and other benefits to merchants — for 10 years. [Read more »](#)

REAL ESTATE

= 9

NJ Justices Probe Lien Holder Standing In Development Suit

= A The New Jersey Supreme Court suggested Monday that a holder of tax liens on a neighboring property could have standing to challenge plans for an industrial campus on an adjacent parcel, tackling what a state appellate panel has said is an issue of first impression for state courts. [Read more »](#)

EMPLOYMENT

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Wellington Insurance Group Inc.
Zynga Inc.

= 9

GOVERNMENT AGENCIES

California Department of Justice
Centers for Disease Control and Prevention

Congressional Budget Office
Equal Employment Opportunity Commission

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European Commission
European Union
Executive Office of the President

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Federal Communications Commission

Federal Reserve System

Florida Department of Education
= 9

Florida State Senate
Food and Drug Administration
Georgia General Assembly
Internal Revenue Service
National Highway Traffic Safety Administration

National Labor Relations Board
National Railroad Passenger Corporation

Navajo Nation
New Jersey Legislature
Office of Foreign Assets Control
Securities and Exchange Commission

Serious Fraud Office
Social Security Administration
U.S. Attorney's Office

NLRB Puts Prior Joint Employer Test Back In Play

= A The National Labor Relations Board on Monday unanimously vacated its recent Hy-Brand joint employer ruling in light of an inspector general report that faulted board member Bill Emanuel for improperly participating in that case, meaning that the 2015 Browning-Ferris test for determining joint employment is once again the law of the land. = 9 [Read more »](#)

III. Union Sues To Avoid Repping Non-Members Post-Janus

The Local 150 chapter of the International Union of Operating Engineers is attempting to poke holes in a ruling that the U.S. Supreme Court has not yet made, filing suit last week asking to be exempted from a state statute that mandates unions collectively bargain for and otherwise represent public employees who do not contribute to the union. [Read more »](#)

CYBERSECURITY & PRIVACY

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UK Data Regulator Vows 'Tough Action' To Protect Consumers

The U.K.'s data protection commissioner on Friday previewed her plans for enforcing a number of sweeping upcoming changes to the European Union's privacy regime, stressing that her office wouldn't hesitate to take "tough action" to protect consumers from businesses that fail to meet or ignore their legal obligations. [Read more »](#)

AEROSPACE & DEFENSE

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Civilian Hospitals To Train Military Docs Under House Bill

The U.S. Defense Department could soon expand training of its military doctors in civilian trauma centers under a bill passed by the House of Representatives Monday, intent on

U.S. Department of Health and Human Services

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U.S. Department of Homeland Security

U.S. Department of Justice

U.S. Department of Labor

U.S. Department of Transportation

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U.S. Department of the Treasury

U.S. Environmental Protection Agency

U.S. Marine Corps

U.S. Senate

U.S. Supreme Court

United Nations

keeping military doctors' training up to par.
Read more = 2

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DHS Deputy Secretary To Step Down After Just One Year

U.S. Department of Homeland Security second in command Elaine Duke, known for leading the agency's recent hurricane relief efforts and cuts to its Temporary Protected Status program, will retire from her post in April, the department announced Friday. Read more »

INTERNATIONAL TRADE

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Treasury Issues Sanctions For Libyan Oil Smuggling

The U.S. Department of the Treasury on Monday sanctioned six people, 24 entities and seven vessels for illegally exploiting Libyan oil, stating that the oil's illicit production, selling and exporting threatens peace in the country. Read more »

US Asks Peru To Verify Timber Exports Are Legal

The Trump administration on Monday asked the government of Peru to show that three recent timber exports to the U.S. were sourced in compliance with the environmental rules laid out in the two countries' bilateral trade deal, raising questions about illegal operations in Peru's logging industry. = 9 Read more »

TAX

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Prominent US Treasury Tax Official Abruptly Resigns = 9

A top U.S. Department of Treasury official expected to work closely on promulgating the highly anticipated regulations under the new federal tax legislation has resigned unexpectedly. Read more »

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Ga. Lt. Gov. Threatens To Wield Tax Code To Punish Delta = 9

The Republican lieutenant governor of Georgia threatened on Monday to use the tax code to retaliate against Delta Air Lines Inc., one of the largest employers in his state, because the company announced it was breaking ties with the National Rifle Association. [Read more »](#)

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NJ Senate Passes Bill To Protect Tax Agreement With Pa.

The New Jersey Senate on Monday voted unanimously to approve a bill that would prevent the governor from unilaterally withdrawing from personal income tax agreements with other states. [Read more »](#)

NJ Senate Passes Charity Donations Bill To Fight SALT Cap

The New Jersey Senate passed a bill Monday that would allow for property tax credits for making certain qualified charitable donations on behalf of real property, a rebuke to the Tax Cuts and Jobs Act, P.L. 115-97, which limited the total state and local tax deduction to \$10,000. [Read more »](#)

EU State Aid Probes Aim At Tax Loopholes, Specialist Says

The European Commission's allegations accusing countries of granting anticompetitive state aid to multinational companies are an attempt to tackle tax avoidance techniques that exploit loopholes in policy but are not illegal, a practitioner said during a lecture on Monday. [Read more »](#)

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Tax Cut Law More About Political Optics, Panelist Says

Companies have been promising job growth and new investment in the U.S. as a result of the recently passed federal tax cut bill, but those announcements are likely motivated by

politics and not the economic effects of the new law, William G. Gale, a senior fellow at the Brookings Institution, said at a conference Monday. [Read more »](#)

IMMIGRATION

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Advocates Ask High Court To Join Travel Ban Case

The International Refugee Assistance Project and other advocacy groups asked the U.S. Supreme Court on Friday to hear their arguments against President Trump's travel ban along with the state of Hawaii's, which are set for April 25, saying courts have unfairly restricted travel to those with "bona fide" relationships in the country. [Read more »](#)

NATIVE AMERICAN

House OKs Amber Alert Expansion For Tribal Lands

= 9 The House of Representatives passed a bill Monday that would expand the Amber Alert program on tribal lands, a measure that would allow federal grants for the program to be used by tribes as well by the states. [Read more »](#)

TELECOMMUNICATIONS

Infrastructure Plan Not Shorting Broadband: White House

The White House released a fact sheet Friday apparently intent on dispelling criticism that President Donald Trump's plan to direct \$200 billion in federal dollars to infrastructure projects earmarks no money specifically toward expanding broadband internet access, even in rural areas where broadband deployment is already lacking. [Read more »](#)

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Feature

15 Minutes With Twilio's General Counsel

Karyn Smith's journey from BigLaw attorney to general counsel for communications platform Twilio has given her a unique vantage point on the changing media world, from net neutrality to customer confidence to data privacy concerns. [Read more »](#)

FCC To Hold 2 Spectrum Auctions For 5G Buildout

The Federal Communications Commission is planning to hold two back-to-back spectrum auctions starting this fall to make high band frequencies available for 5G use, FCC Chairman Ajit Pai said Monday, highlighting the agency's efforts to assist the country's development of the next-generation wireless technology. [Read more »](#)

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Group Says FCC's O'Reilly Flouted Hatch Act, Should Resign

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An ethics watchdog on Friday blasted FCC commissioner Michael O'Reilly's endorsement of President Donald Trump's re-election at a conservative political event, with its executive director saying O'Reilly should resign for a flagrant Hatch Act violation. [Read more »](#)

EXPERT ANALYSIS

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Anticipating This Year's HIPAA Enforcement Trends

The U.S. Department of Health and Human Services and the president's budget give a clear directional sense for what Health Insurance Portability and Accountability Act enforcement could consist of in 2018 and the foreseeable future. And the name of that game appears to be "less is more," says David Saunders of Jenner & Block LLP. [Read more »](#)

Series

EPA In The Trump Era: Enforcement And Compliance Changes

The U.S. Environmental Protection Agency's enforcement machine does not turn on a dime, and a year of enforcement data does not establish a trend. While the first 12 months may not have cemented a new approach to enforcement and compliance, year two is as good a time as any to offer a few first impressions, says Wayne D'Angelo, former director of strategic planning and advance at the EPA and a partner at Kelley Drye & Warren LLP. [Read more »](#)

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What To Expect From EEOC's New Harassment Guidance

Earlier this month U.S. Equal Employment Opportunity Commission Acting Chair Victoria Lipnic stated the agency will release its new guidance on sexual harassment "soon." What it will look like is anyone's guess, but the EEOC intends it to replace several previously issued documents, and it appears to be a fairly comprehensive summary of the current state of the law, says Kristin Klein Wheaton of Goldberg Segalla LLP. [Read more »](#)

Inside The Final DOL Regulations On Disability Claims

New U.S. Department of Labor regulations aimed at Employee Retirement Income Security Act-governed disability plans, which take effect April 1, will likely require amendments to most plans that confer benefits based on a participant's (or beneficiary's) disability, says Arthur Marrapese of Barclay Damon LLP. [Read more »](#)

So Far, So Right — Menchaca Has Not Changed Appraisal Law

= 9Ten months ago, the Supreme Court of Texas issued an opinion in *USAA v. Menchaca*, which some claimed would change the course of Texas precedent regarding extracontractual liability. As predicted in a

previous Law360 guest article, however, the decision has yet to disturb the finality of an appraisal award, says Victoria Vish of Zelle LLP. [Read more »](#)

Tax Reform's Impacts On Pass-Through Entities = 9



The tax reform bill passed at the end of 2017 includes numerous provisions affecting pass-through entities and their owners. These provisions are complex, and create both strategic opportunities and pitfalls for the unwary. In this video, Wes Sheumaker and Eric Santos of Eversheds Sutherland LLP discuss the 20 percent deduction for qualified business income and the limitation on excess business losses. [Read more »](#)

LEGAL INDUSTRY

Feature

4 Essential Tasks New GCs Should Immediately Conquer

The beginning days, weeks and months as a new general counsel or chief legal officer are vital to success. First impressions and chaos control count, and there's a lot of groundwork to cover when settling in to a position, whether it's at a different company or the result of a promotion. Here, Law360 looks at the crucial first steps for every new top lawyer to tackle. [Read more »](#)

Law Partners' Hourly Rates Keep Climbing

The U.S. legal sector saw widespread increases in partner billing rates last year, led by a dominant 8 percent hike in the median rate among the 50 largest law firms, according to a report out Tuesday. [Read more ½ B](#)

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Bryan Cave And BLP Approve Transatlantic Merger